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Convention on the
Rights of the Child

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11 January 2000

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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-third session

SUMMARY RECORD (PARTIAL)* OF THE 587th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 10 January, at 10.30 a.m.

Temporary Chairperson: Mrs. SARDENBERG

Chairperson: Mrs. OUEDRAOGO

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SUBMISSION OF REPORTS BY STATES PARTIES

* No summary record was prepared for the rest of the meeting.

This record is subject to correction.

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The discussion covered in the summary record began at 12.15 p.m.

OPENING OF THE SESSION

1. The TEMPORARY CHAIRPERSON declared open the twenty-third session of the Committee.

ELECTION OF THE CHAIRPERSON OF THE COMMITTEE (item 3 of the provisional agenda)

2. The TEMPORARY CHAIRPERSON announced that, as Mrs. Mboi had resigned from the Committee, consultations had been held with the members of the Committee and, as a result, Mrs. Ouedraogo had been elected as the new presiding officer of the Committee. Mrs. Ouedraogo would serve out Mrs. Mboi's mandate as Chairperson, which was due to expire in January 2001.

3. Mrs. Ouedraogo took the Chair.

ADOPTION OF THE AGENDA (item 1 of the provisional agenda) (CRC/C/91)

4. The agenda was adopted.

FILLING OF CASUAL VACANCY AND SOLEMN DECLARATION BY THE NEW MEMBER OF THE COMMITTEE (agenda item 2)

5. The CHAIRPERSON said that Mrs. Rilantono had been designated by the Government of Indonesia to serve the remainder of Mrs. Mboi's term as a member of the Committee. She invited Mrs. Rilantono to make the solemn declaration provided for in rule 15 of the provisional rules of procedure.

6. Mrs. RILANTONO made the following declaration: "I solemnly declare that I will perform my duties and exercise my powers as a member of the Committee on the Rights of the Child honourably, faithfully, impartially and conscientiously."

SUBMISSION OF REPORTS BY STATES PARTIES (agenda item 5)

7. Mr. DAVID (Secretary of the Committee) said that, since the Committee's previous session, initial reports had been received from the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania, Qatar, the Gambia and Cape Verde. Burkina Faso and Poland had submitted periodic reports. To date, 141 initial reports and 31 periodic reports had been received, or a total of 172 reports, of which 110 had been considered. Fifty-three initial reports and 99 periodic reports were due and had not yet been submitted.

The discussion covered in the summary record ended at 12.25 p.m.

UNITED
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Rights of the Child

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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-third session

SUMMARY RECORD (PARTIAL)* OF THE 588th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 10 January 2000, at 3 p.m.

Chairperson: Mrs. OUEDRAOGO

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* No summary record was prepared for the rest of the meeting (closed).

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GE.00-40210 (E)

The meeting was called to order at 3.20 p.m.

OTHER MATTERS (agenda item 11)

Status of the amendment to the Convention on the Rights of the Child (CRC/SP/25)

1. The CHAIRPERSON welcomed the representatives of States parties who had responded to the invitation of the Committee to review the status of the amendment to article 43, paragraph 2, of the Convention and noted that the amendment, proposed on 17 April 1995 by the Government of Costa Rica, was intended to increase the number of members of the Committee from 10 to 18. In its resolution 50/155 of 21 December 1995, the General Assembly had approved the amendment and urged States parties to take appropriate measures so that acceptance of the amendment by two thirds of States parties could be reached as soon as possible for the amendment to enter into force. By 6 January 2000, only 71 States parties had ratified the amendment. The situation was of concern to the Committee, which was currently under-staffed and had 152 country reports pending consideration. She therefore asked the representatives of States parties to invite their respective Governments to speed up the process of ratifying the amendment.

2. Mr. FULCI underlined the absolute necessity of enlarging the Committee and noted that the Conference of the States Parties to the Convention had adopted the amendment in question by consensus, but that 57 States parties had still not ratified it.

3. Ms. CLARKE (Barbados) said that her Government had accepted the amendment and wished to obtain clarification of the notification procedure.

4. The CHAIRPERSON said that the Secretariat had circulated a model instrument of ratification.

5. Mr. NAHAYO (Burundi) suggested that, at the fifty-sixth session of the Commission on Human Rights, the High Commissioner for Human Rights should once again urge the delegations of States parties to the Convention to ratify the amendment in question. He would also like to know whether the Secretariat could provide a French version of the model instrument of ratification to those countries requesting it.

6. The CHAIRPERSON pointed out that the High Commissioner for Human Rights took every opportunity to invite the Governments concerned to ratify the amendment and that a reminder to that effect had been addressed to the seventh meeting of States parties, held in New York on 16 February 1999.

7. Ms. KOKAJEV (Estonia) said that the Government of Estonia would give notification of its acceptance of the amendment during the first half of 2000.

8. Mr. SABHARWAL (India) said that, despite administrative delays hindering his country's ratification of the amendment, the process was well under way.

9. Mr. KESTORAS (Cyprus) said that his Government had also initiated the process of ratifying the amendment.

10. The CHAIRPERSON, having thanked all the country representatives present for their encouraging remarks, said that the Committee was relying heavily on their intervening with their respective Governments to achieve the earliest possible ratification of the amendment to article 43, paragraph 2, of the Convention.

The discussion covered in the summary record ended at 3.45 p.m.

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Convention on the
Rights of the Child

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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-third session

SUMMARY RECORD OF THE 589th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 11 January 2000, at 10 a.m.

Chairperson: Mrs. OUEDRAOGO

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CONSIDERATION OF REPORTS OF STATES PARTIES

Initial report of India

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GE.00-40214 (E)

The meeting was called to order at 10.05 a.m.

STATEMENT BY THE REPRESENTATIVE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

1. Mr. GAHAM (Representative of the High Commissioner for Human Rights) expressed the High Commissioner's appreciation for the Committee's introduction of new working methods to increase the number of reports it considered during each of its sessions, thereby meeting the expectations of a large number of States parties that wished to enjoy a constructive dialogue with the Committee. With regard to the main developments in the field of human rights since the Committee's previous session, there were four main areas of interest. Firstly, throughout 1999, the year of Commemoration of the tenth anniversary of the Convention on the Rights of the Child, children's rights had been incorporated into the discussions held by the Commission on Human Rights, the Economic and Social Council and the United Nations General Assembly. On 20 November 1999, the anniversary of the Convention's adoption, the High Commissioner for Human Rights had received in Geneva more than 100 children from underprivileged socio-economic backgrounds. That day had been a fitting climax to a week-long programme organized for the children by a non-governmental organization (NGO), International Movement ATD Fourth World.

2. In 1996, the High Commissioner for Human Rights had launched, with the Committee's active support, a Plan of Action to strengthen the implementation of the Convention on the Rights of the Child. The Plan had provided the Committee with increased substantive support and enabled the Office of the High Commissioner for Human Rights to assist in the implementation of a number of the Committee's recommendations. In that connection, Mrs. Ouedraogo, accompanied by a member of the Action Plan team, had visited Haiti in response to a request by the Haitian Government for assistance in drafting its initial report to the Committee. In similar vein, Uganda and Benin had recently requested assistance in implementing the Committee's recommendations.

3. Preparations were under way for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, to be held in South Africa in July 2001. The Conference would present an important challenge for the establishment of a new vision of the world in the fight against racism in the twenty-first century. On Human Rights Day (10 December 1999), the High Commissioner for Human Rights had launched a formal campaign to increase awareness of the forthcoming Conference. The High Commissioner had spoken of the need for an unreserved commitment to achieving tolerance and understanding between different peoples and communities, as the international community prepared to concentrate its efforts on eliminating one of the most insidious and persistent evils facing humankind. Prior to the Conference, regional meetings and preparatory sessions would be held throughout the world. Among the issues to be dealt with by the Conference, attention would focus on the effects of racial discrimination on children belonging to minority groups and children of migrant workers, and on education and tolerance. A substantial contribution by the Committee to the Conference was essential, and provision to that end had been made in all United Nations General Assembly and Commission on Human Rights resolutions adopted since 1997, when it had first been decided to convene the Conference. The efforts of all the treaty bodies were required; in the context of the Committee's work, racism was an obstacle to

the realization of children's rights. In that regard, the High Commissioner for Human Rights wished to have a meeting with the Committee at its current session to discuss in more detail the activities envisaged as part of the Conference.

4. Mention should also be made of the two working groups responsible for preparing draft optional protocols to the Convention on the Rights of the Child. A meeting of the Working Group on a draft optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts was currently being held. He hoped that the efforts made by the Chairperson of the Working Group throughout 1999 would be rewarded by the adoption of an optional protocol by consensus at the end of the Group's current session. A meeting of the Working Group on a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography would be held immediately after the meeting of the first Working Group. The Committee would undoubtedly follow closely and participate in the work of both Groups. In that context, the United Nations General Assembly had recently adopted an Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women enabling the Committee on the Elimination of Discrimination against Women (CEDAW) to receive communications from individuals who claimed that their rights had been violated.

5. To date 71 States had provided notification of their acceptance of the amendment to article 43 of the Convention, increasing the number of Committee members from 10 to 18. The acceptance of 120 States was required for the amendment to enter into force; the Committee and the High Commissioner for Human Rights had on numerous occasions encouraged States parties to accept the amendment. Also of note was the fact that during its previous session the Committee on Economic, Social and Cultural Rights had adopted a General Comment on the right to education. Similarly, the Special Rapporteur of the Commission on Human Rights on the right to education had recently visited Uganda and would submit a report to the Commission on his visit.

The meeting was suspended at 10.25 a.m. and resumed at 10.40 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 6)

Initial report of India (CRC/C/28/Add.10) (CRC/C/Q/IND/1; written replies of the Government of India to the questions raised in the list of issues (document without a symbol distributed in the meeting room in English only))

6. At the invitation of the Chairperson, Ms. Aggarwal, Ms. Kunadi, Mrs. Rao, Mr. Sabharwal, Mr. Prasad and Mr. Sinha (India) took places at the Committee table.

7. Ms. AGGARWAL (India) said that India had adopted an extremely transparent methodology in preparing its initial report (CRC/C/28/Add.10). The list of issues (CRC/C/Q/IND/1) had been circulated for comment to all ministries concerned with children's issues, either directly or indirectly, at both national and State levels. The list had also been sent to NGOs, schools, institutes and social science organizations. Replies received after the finalization of the initial report would be included in the second periodic report.

8. India was a pluralistic and heterogenous society, being multilingual, multireligious and multicultural. Common to Indian society as a whole, however, was the belief that a child was a gift from God and should be nurtured with care and affection within the family and society. India was not only completely committed to the Convention on the Rights of the Child but had demonstrated that commitment by constantly reviewing the implementation of the Convention, speeding up successful programmes and correcting or implementing new policies and programmes in areas that had proved to be deficient. Many of the articles of the Convention were enshrined in the national Constitution, the National Policy for Children and the National Plan of Action for Children, which together formed the foundation of the affirmative action being undertaken. The Government was in the process of finalizing certain measures aimed at achieving the Convention's goals. Firstly, a National Commission for Children was being set up to harmonize all existing legislation, policies and programmes pertaining to children. The Commission would focus on the question of age-limits prescribed for certain activities by children, with particular reference to gender differences. The Supreme Court of India had declared education to be a fundamental right for children up to the age of 14. Nineteen states and Union Territories had enacted compulsory education legislation. The Government had recently created a separate Department of Elementary Education and Literacy in order to focus on the importance of that sector. The Department had adopted a holistic and convergent approach to providing universal elementary education. The so-called Mission of Education for All was a new initiative designed to ensure that, within the following three years, all children up to the age of 14 attended a school, an education guarantee centre, or a "back to school" camp. The Department was also in the process of finalizing an amendment to the Constitution and introducing national legislation to provide free and compulsory education for all children up to the age of 14.

9. Similarly, the Ministry of Labour was finalizing legislation for fixing a minimum age of 14 for admission to employment in all occupations, excluding agriculture in family and smallholdings producing for private consumption and not regularly employing hired workers. The legislation also proposed the fixing of a minimum age of not less than 18 for admission to any type of employment which, by its nature, was likely to jeopardize the health, safety or morals of young people. The legislation would be enforced through a system of labour inspections and would be fully in conformity with ILO Convention No. 138 concerning the Minimum Age for Admission to Employment. The legislation would not only establish compulsory education but would also help abolish child labour for all children below the age of 14 and generate enormous governmental and social pressure to achieve two critical objectives of the Convention.

10. In the past decade the infant and child mortality rates had been reduced considerably through increased immunization coverage and the provision of safe drinking water. Rates were still high, however, and a major deficiency in children's health programmes concerned children's nutritional needs. To address that problem, the Indian Government proposed to launch a National Nutrition Mission, aimed at attacking and overcoming the intergenerational cycle of malnutrition as a major cause of infant and child mortality and morbidity, and maternal mortality. The Mission was based on a three-pronged strategy of awareness-raising, direct intervention and nutrition surveillance in order to control and prevent malnutrition and related

disorders in a holistic and permanent manner. Its strategy would be directed towards improving the nutritional status of adolescent girls, pregnant women, breastfeeding mothers and infants below the age of 2.

11. The Integrated Child Development Services, which provided pre-school activities, health coverage and supplementary nutrition, were expected to be extended to all children by 2001, if not earlier.

12. The list of policy measures outlined were just a few of the steps envisaged to promote the full implementation of the Convention. The dynamic partnership between the Government, international agencies, NGOs and social activists would ensure that children's issues were addressed and would bring about the awareness and commitment required to achieve the goals of the Convention.

13. The Indian press closely monitored the situation of children and did not hesitate to report any violations of their rights, and the considerable efforts of the judiciary on behalf of children had led to the introduction of relevant legislative and executive measures. In conclusion, she thanked the UNICEF India office for its support in the preparation of the report and the Committee for the opportunity provided to engage in worthwhile dialogue.

14. The CHAIRPERSON thanked the delegation for its introduction of India's initial report and invited the Committee members to ask questions on the first two sections of the list of issues (CRC/C/Q/IND/1, paras. 1-7).

15. Mrs. KARP said that it was a daunting task to attempt to analyse the situation in India, not only because of the broad scope of the issues involved but also because of the enormous contrasts that characterized the country. It was clear that India was a nation with a strongly developed democracy. However, democracy encompassed not only the rule of the majority but also the protection of the rights of minority and marginalized populations. Whereas the report highlighted discrimination against the girl child, very little had been said about the caste system, which infringed the rights of children. Paradoxically, although India was viewed as an ancient civilization to which the world looked for lessons on freedom of thought, modern forms of slavery, such as child labour and prostitution, affected large numbers of people in India.

16. While India was a nuclear power, there was great disparity in the distribution of wealth. India boasted such non-violent personalities as Mahatma Gandhi, yet violence was on the increase, especially in the north of the country. Notwithstanding the Indian symbol of harmony, the Taj Mahal, there was evidence of disharmony throughout Indian society. All of the foregoing contributed to the enigma that India represented.

17. The report had been silent on a number of issues, including the best interests of the child, the relationship between the federal and state governments and the effectiveness of federal and State policies and programmes. The statistics cited dated back to 1991, and she wondered whether the delegation might provide more up-to-date figures. According to paragraph 65 of the report a child was defined as a person below the age of 14 and up to 19 years of age for girls. How many children were there aged 18 and below?

18. Bearing in mind the differences in programmes, budgets and plans of action between the different levels of government, what was the exact nature of the relationship between the central, local and provincial governments? Were the lower levels of government monitored by the central authority, and did they receive any assistance from it?

19. With regard to the three lists of legislative powers given in the Seventh Schedule of the Constitution she wondered whether there might be some issues which did not fall under any jurisdiction. Much of the legislation cited in the report was outdated, although mention had been made of some legislative reforms, and the report expressly stated that gaps in the personal law were harmful to the best interests of the child. Although she welcomed the forthcoming National Commission for Children, she would like to know what obstacles prevented the introduction of updated legislation that would reflect the principles of the Convention.

20. A large number of the programmes and policies mentioned seemed to take a welfare-based rather than a rights-based approach. Did the Government intend to correct that situation? She would welcome information on the budget allocation of local and provincial resources and the guarantees which had been put in place to ensure that the actions of the local and provincial authorities effectively enhanced children's rights. How did the Government intend to address the constraints mentioned in the written reply to the second question on the list of issues?

21. She asked whether the National Human Rights Commission (NHRC) covered the human rights of children and what its impact was on children's lives. Did the National Plan of Action for Children, which had been developed before India's accession to the Convention, reflect a rights-based approach to children's issues?

22. She welcomed the proactive approach of the Supreme Court and asked about the practical outcome of its decisions, for example on child labour and free and compulsory education. Did the Supreme Court and the judiciary in general refer to the Convention on the Rights of the Child and other international instruments? She would also like to know what steps had been taken to implement the recommendations of the Committee on the Elimination of Racial Discrimination and the Human Rights Committee, in 1996 and 1997 respectively, on subjects of interest to the Committee on the Rights of the Child.

23. She questioned India's need to make a declaration in respect of article 32 of the Convention, as all articles of the Convention were interdependent, and asked whether India had considered withdrawing it.

24. Mr. FULCI said that the delay in the submission of India's initial report was regrettable. He asked whether India intended to ratify the ILO Worst Forms of Child Labour Convention, and if so, whether the ratification process was under way in Parliament. He would also appreciate details about the inconsistencies between customary law and the Convention.

25. He welcomed the fact that a National Charter of Action for Children had been proposed and asked whether a date of introduction could be indicated. Although the report made mention of international and bilateral capacity-building assistance, it did not provide examples of technical cooperation programmes.

26. Had the Convention been translated into the national languages? As there had been no mention of human rights education in schools, he wondered whether there was any basis to the claims of certain NGOs that the media were not involved in the dissemination of the Convention and that some children were completely unaware of its existence.

The meeting was suspended at 11.30 a.m. and resumed at 11.40 a.m.

27. Ms. AGGARWAL (India) expressed appreciation for the Committee's interest in India's problems. Mrs. Karp had raised a number of interesting points, including the existence of huge disparities within Indian society, which was attributable to the country's sheer size and the contrasts of its constituent states, communities and languages. While India had a federal structure, policies were implemented at the level of the individual states, which necessarily made for disparities. She did not agree that children fell between two stools owing to their inclusion on the Concurrent List. Education had been included in the Concurrent List in 1996 to enable the central Government to assist states struggling to meet their commitments by providing them with matching grants through the Planning Commission. All child-related schemes were the subject of effective monitoring not only by the Planning Commission, but by the relevant ministries, and benefited from adequate allocations.

28. As to the allegation that discrimination was inherent in Indian society, India's first post-independence Constitution of 1950 stated that all persons were equal before the law and prohibited discrimination on any grounds; it even contained an article providing for affirmative action on behalf of women. India, an enormous country, had inherited formidable challenges upon accession to independence. Legislation could not be altered overnight, but steps were constantly taken to amend the Constitution whenever the need was felt.

29. Replying to a question by Mr. Fulci, she said consultations were under way with state governments and other institutions for setting up a National Commission for Children and adopting a National Children's Charter. The states would most likely emulate the central Government and set up state commissions for children, as they had for women. In reply to a question by Mrs. Karp, she said that on achieving independence in 1947 India had embarked upon a development approach to children's issues, had progressively moved towards a welfare approach and was currently in the process of adopting a rights-based approach.

30. The most reliable statistics available had emerged from the 1991 census, as subsequent data had not yet been authenticated. However, the forthcoming 2001 census would enable the authorities to furnish disaggregated, gender-sensitive information on a number of sectors. The NHRC, established by law, was one of the country's most effective bodies. It had been given extensive powers and possessed the mechanisms to ensure implementation of its recommendations. In reply to a question concerning action taken in the wake of the Supreme Court's decision on child labour, she said the list of industries considered hazardous for children had been expanded.

31. Mr. SINHA (India) said that in 1993 the Supreme Court had rendered a judgement declaring the right to education and the right to life to be fundamental rights of all children up to the age of 14. The judgement had produced a shift from the previous incremental approach, making elementary education a fundamental right throughout India. Such issues were being

raised in many high courts. The Government had requested all states to declare which children were not enrolled in school, with affidavits filed in the courts, thus requiring the states to adopt a rights-based approach. Even so, there had been a constitutional amendment, strongly supported by the ministries in all states, making primary education free and compulsory since 1993. The Law Commission, the Department of Women and Child Development of the Ministry of Human Resources Development and other relevant ministries were all involved in the establishment of the appropriate legal provisions. Although education had been placed on the Concurrent List a constitutional amendment had made elected representatives responsible for school management.

32. Despite the educational challenge India had inherited in 1947, the country had made immense strides in the past five decades in terms of numbers of schools, teachers and learning opportunities, and a sizeable non-governmental presence in the education sector ensured that the Government fulfilled its commitments. Recent independent surveys had confirmed that, widespread poverty notwithstanding, there was growing demand for education, a trend that would significantly raise basic education levels in a few years.

33. Ms. AGGARWAL (India) said that, with non-governmental support, the Convention had been translated into and disseminated in approximately 14 major Indian languages, and efforts were being made to include it in the school curricula. In addition, the report had been publicized through the Internet.

34. Mr. SABHARWAL (India) urged the Committee members to be mindful not only of India's shortcomings, but also of its considerable post-independence achievements. While certain social phenomena could not be eliminated overnight, constitutional guarantees and provisions aimed at alleviating them. The Indian delegation to ILO had played a leading role in the formulation of the Worst Forms of Child Labour Convention, 1999. Therefore, while he was not in a position to say when it would be ratified, the Committee could rest assured that the matter was being actively pursued. As to India's declaration concerning article 32 of the Convention, it was poverty, the root cause of the worst forms of child labour, that must be eradicated. Child labour had not been neglected in national policy; indeed, it had been a matter of great concern since independence. The Government had no immediate plans to withdraw the declaration.

35. Ms. AGGARWAL (India) said abundant powers had been delegated to the state governments, each of which was required to monitor the use of allocated funds. She had provided an overview of the situation of international agencies' technical cooperation to India. If the Committee so wished, the delegation would endeavour to furnish a more detailed breakdown.

36. The CHAIRPERSON, invited the members to put follow-up questions to the delegation.

37. Mrs. KARP, referring to social discrimination, said that, while she appreciated that the Government was endeavouring to eliminate discrimination and had set up monitoring agencies on scheduled castes and tribes, those measures provided cold comfort to an "untouchable" child who, obliged to sit at the back of the class, felt like an outcast and could become another drop-out statistic. It must urgently be acknowledged that the problem posed a major obstacle to implementation of the Convention and children's enjoyment of their rights, and that there was a close link between such exclusion on the one hand and child labour and prostitution on the other.

38. She welcomed the representations made to Parliament on behalf of the "untouchables", but what practical steps - such as awareness campaigns - had been taken in a bid to change society's attitude and impress upon it that such discrimination must be eliminated? She was aware that the Constitution contained articles that protected children's rights and that child marriages were prohibited by law, but legislation without implementation was of no avail. She would appreciate further information on the effectiveness of the Child Labour Inspectorate, as child brides still accounted for 5 per cent of rural girls aged 10-14.

39. The cited Supreme Court decision had been threefold, involving review, compensation and prosecution of an adult member of a working child's family. She wished to know the real impact of that decision. Had it had any implications for the education budget? She also inquired whether the decision to raise the education budget to 6 per cent of India's gross domestic product (GDP) - a trifling proportion, in any event - had been implemented. In conclusion, she asked whether the disaggregated data resulting from the 2001 census covered children up to 18 years of age and adults, as well as children up to the age of 15.

40. Mrs. MOKHUANE, referring to the transition that had been taking place in India from a needs-based approach to a rights-based approach to issues affecting children, asked what obstacles had been encountered in the transition process and what progress had been made. In India, international treaties were not self-executing, yet it seemed that domestic legislation was not being reviewed to ensure conformity with the Convention. Previous questions regarding possible conflicts between, for example, domestic law and customary law had not been adequately answered.

41. The report stated that there was coordination between the central authorities and state governments; however, evidence indicated that state governments tended to give lesser priority to implementation of the Convention because they gave priority to other issues. As a result there were discrepancies in implementation between different states. Moreover, individual states' plans of action did not include provisions for monitoring implementation or for funds to achieve the goals set out in the National Plan of Action. What had been achieved under the National Plan of Action and what changes had been made in the process of revising it?

42. The report mentioned that civil society played a role in disseminating information on children's rights, but were children themselves involved? Had they participated in the preparation of the report?

43. What progress had been made by the Inter-Ministerial Coordination Committee set up to implement the Convention? How did it function and how were the ministers involved in it evaluated? Evaluation should be based on the level of coordination achieved between different ministries, not merely on how each minister performed.

44. Paragraphs 8 and 9 of the report stated that the Indian Constitution guaranteed the rights of children. However, it was later indicated that the International Conference on Shaping the Future by Law, held in New Delhi in 1994, had called for a review of all national legislation pertaining to the child. Why had such a review been necessary if the Constitution was consistent with the provisions of the Convention?

45. Regarding the implementation of article 4 of the Convention, the Committee welcomed the fact that maximum budget allocations had been made to education and health. However, those funds were still insufficient; what efforts were being made to remedy that situation, especially as a large proportion of India's budget was spent on defence?

46. Although measures had been taken to prevent discrimination, particularly against "untouchable" children, legislation was not enough to prevent such discrimination; a fundamental change in attitudes was necessary. What had been done to achieve that end?

47. Mr. DOEK said that, as a regular visitor to India over a number of years, he was both overwhelmed by the enormity of the problems the country faced and impressed by the dedication of many people to solving those problems.

48. The written reply to question 2, stated that the Department of Women and Child Development, which was responsible for monitoring and coordinating the implementation of the Convention, was facing many constraints, including budgetary constraints. Did the budget allocation mentioned cover the Department as a whole or only those activities related to the monitoring and coordination of the implementation of the Convention? Which of the five constraints listed was a particular obstacle to monitoring and implementation activities?

49. He asked whether the proposed National Commission for Children would replace the "Alliance for the Child" or whether it was to be an additional body. Since the National Human Rights Commission also dealt with certain issues relating to children, how was work in the area of children's issues to be divided between the three bodies?

50. What was the Government's position on the draft optional protocol on involvement of children in armed conflicts? According to the written reply to question 7, the minimum age for recruitment into the armed forces was 16. Was the Government prepared to consider changing the law to raise the minimum age from 16 to 18?

51. Mrs. TIGERSTEDT-TÄHTELÄ said that, in India, resources to fund the implementation of children's rights were allocated only as available, whereas article 4 of the Convention required States parties to undertake measures to implement those rights "to the maximum extent of their available resources". That meant that children's rights should be a priority to the State budget.

52. Various plans and legislation to improve implementation of children's rights had been mentioned, but she wondered whether there was a clear policy to give priority to children's rights within the Government's overall programme. Was there an appropriate emphasis on the most vulnerable groups, such as minority groups, "untouchables" and children with disabilities?

53. Mrs. SARDENBERG, commending the many positive aspects of India's report, asked whether the Government intended to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Ratification of that Convention, which was one of the six major human rights instruments, would mean that India was fully integrated into the international system of human rights protection.

54. She appealed to the Government to consider withdrawing its declaration in respect of article 32 of the Convention, which, while it did not constitute a reservation, nonetheless sent out a negative message. She commended the innovative step of putting the country report on the Internet and wondered whether the Internet was also being used as an aid for distance learning. It was regrettable that India had not submitted a core document, which would have helped the members of the Committee to understand better the country's many complexities.

55. It had been stated that India was moving from a Government-controlled economy to a market economy; as 70 per cent of the population worked for the public sector, had the impact of that transition on children been analysed? Regarding the collection of data for the next census, had the possibility of making the census cover all areas of the Convention been considered.

56. The establishment of the National Human Rights Commission was a positive step; she asked whether the Commission, as well as the proposed National Commission for Children, would address children's rights. Why were investigations into alleged abuses involving the army and paramilitary forces being prohibited?

57. Had the possibility been considered of incorporating all legislation relating to children in a Children's Code? Such a move could add momentum to the implementation of the Convention. The Government's cooperation with NGOs was to be commended; she wondered whether a specific mechanism might be set up to strengthen it.

58. Mrs. KARP asked what plans there were to implement the recommendations of the Human Rights Committee and the Committee on the Elimination of Racial Discrimination. She expressed concern that there was no definition of the age of sexual consent for boys, which meant that boys were not protected against sexual offences. Noting that children under 18 had no capacity to contract in India, she asked whether consideration had been given to adapting the rules of contract to cover certain aspects relevant to children.

59. She asked why, after years of consideration of the issue, the Law Commission of India had still reached no conclusion regarding the definition of the age of responsibility in the juvenile justice system.

60. Mrs. RILANTONO said that the success of all actions relating to child development was dependent on a multisectoral approach. The actions of the different government departments should be better coordinated so that efforts to promote the interests of children were not the sole responsibility of the Department for Women and Child Development. As education was compulsory, she asked what steps were being taken to address the problem of truancy and also requested statistics on school drop-out rates and illiteracy. She wondered how many years it was likely to take for compulsory education to solve the problems of unschooled children and illiteracy. What was the specific percentage of the national budget spent on education?

61. Mrs. EL GUINDI, noting that table 1 on page 8 of the written replies submitted by the Indian delegation showed central government expenditure on all social services, asked what percentage of expenditure in each of the areas mentioned was allocated specifically to children.

What measures had been taken to revise domestic legislation on the definition of legal ages in various areas, and had consideration been given to enacting a comprehensive children's rights code?

62. Mr. RABAH asked what the minimum legal ages were for medical counselling without parental consent and marriage with parental consent. He would like to know whether the Convention had been well received by the population, particularly children. Relations between Governments and NGOs were often a sensitive issue; had NGOs in India taken part in the preparation of the report? Had harmonization of customary laws with the Convention been achieved, bearing in mind the many languages, tribes and minorities in India?

63. Mr. SABHARWAL (India) said that, although the Committee was not an appropriate forum for discussing India's defence budget, he wished to point out that expenditure on defence constitutes 2.2 to 2.3 per cent of GDP, one of the lowest levels in the region and indeed the world. It was, moreover, established on the basis of the minimum credible defence needs of India by elected representatives of the Indian people.

64. India was actively working on ratification of the Convention against Torture. As had been rightly pointed out, the declaration concerning article 32 of the Convention on the Rights of the Child was not a reservation, but merely a recognition of the enormity of the problem of child labour and the inadequacy of the resources available to tackle it. India had undertaken to implement article 32 in a progressive manner. Certain steps were already envisaged or had been taken: a proposal was being considered to enact central legislation stipulating a minimum age of 14 years for admission to all types of employment, excluding small-scale agricultural production designed solely for private consumption and not regularly employing hired workers; a minimum age of 18 years was to be fixed for work in circumstances likely to jeopardize the health, safety or morals of young persons; and the central and state governments were to be made responsible for implementing the law through a system of labour inspection. India had participated in the negotiations on the ILO Worst Forms of Child Labour Convention and active efforts were under way to ratify it.

65. The CHAIRPERSON said that the Committee was not competent to discuss India's defence budget and had no intention of doing so, but that it was useful to draw a comparison between the resources allocated to defence and those allocated to implementation of the Convention.

The meeting rose at 12.55 p.m.

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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-third session

SUMMARY RECORD OF THE 590th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 11 January 2000, at 3 p.m.

Chairperson: Mrs. OUEDRAOGO

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CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of India (continued)

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Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.00-40243 (E)

The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 6) (continued)

Initial report of India (CRC/C/28/Add.10, CRC/C/Q/IND/1; CRC/C/A/IND/1) (continued)

1. At the invitation of the Chairperson, the members of the delegation of India resumed places at the Committee table.

2. Mr. SINHAL (India) said that, since 1993, the budgetary resources allocated to the education sector had increased and that, during the 1990s, there had been more substantial progress on literacy than during the previous decades, from both the qualitative and quantitative points of view.

3. Some independent studies conducted by non-governmental organizations (NGOs) seemed to confirm not only that the literacy rate had increased but also that the proportion of children who had never been enrolled in school had fallen considerably in provinces that were educationally backward. There were marked regional disparities in elementary education in India but, in most of the 32 States and Union Territories, 85 to 90 per cent of children under 14 were enrolled in school. With regard to the remaining children, wide-ranging action had been taken during the 1990s, in accordance with the objective pursued by the Government of India.

4. The Government of India advocated a rights-based approach. Two large States where the education indicators left much to be desired, Rajasthan and Madhya Pradesh, had adopted a rights-based approach, and for some years every child had had to have access to an educational establishment within a one-kilometre radius of his or her home. Those two States still had 16,000 and 22,000 districts respectively where that rule had not been implemented, but a programme had been put in place under which any district not served by a school, situated in a tribal area and having 25 children not enrolled in school, could request that an educational establishment be set up in the area within a relatively short time.

5. In Rajasthan, a legal and administrative framework had been set up to ensure decentralization of education management. Two amendments to the Constitution had given local communities the legal and administrative competence to determine their activities. Elected representatives had conducted a study, following which those districts not served by a school had been able to choose their local teacher.

6. As part of a project conducted in Rajasthan with the support of the Swedish International Development Agency, aimed mainly at integrating girls into the education system and building schools, special educational camps had been set up for girls who had not had the opportunity to go to school between the ages of six and eight. The camps had achieved their objective of integrating girls into the traditional system.

7. Since 1993, each State had been required to inform the Supreme Court of measures taken to benefit children, measures envisaged and the expected timetables for them. The right to education had been recognized by the courts in many provinces, and complaints had been filed with the High Court on behalf of children who had not been to school so that the rights of those

children could be restored. The 1990s had thus been characterized by a clear change of policy. The right to education was now recognized as forming part of domestic law, and local Governments had to meet their obligation to provide education.

8. The District Primary Education Programme, begun in 1994 and now covering almost 40 per cent of the Indian population, illustrated the scale of the financial help granted. Under the programme, a district was selected either because it had a low female literacy rate or because it had a large population of scheduled castes and tribes. The planned activities covered a period of seven years and required up to $10 million of investment for one district. In the 42 districts that had embarked on the programme in 1994, primary school enrolment was almost universal. In the majority of districts, the percentage of girls going to school had increased substantially.

9. The Government of India was aware that marginalized groups existed even in urban areas and considered that cooperation in that regard between the authorities and non-governmental bodies was desirable and necessary.

10. Regarding children employed in agriculture, an NGO (the MV Foundation) had proposed a very effective strategy for integrating children into the school system through "back-to-school camps". The Government of India intended to strengthen its support for foundations and NGOs which favoured the adoption of a framework based on the right to education.

11. With regard to the budget, the proportion of India's GNP allocated to the State education sector had increased from 1 per cent in 1950-51 to 3.7-3.8 per cent, and approximately 1.7 per cent of GNP was allocated to the private education sector. The Government of India did not want private schools to be reserved for the rich, and the Supreme Court of India had ruled that educational establishments could be profit-making organizations but that they had a social role to play. The private sector was obliged to integrate some children of low economic means. Education was a vital issue for India, which wished to continue increasing the proportion of investment earmarked for that sector to 6 per cent of GNP.

12. There were about 200 million children aged between 6 and 14 in India, and independent studies indicated that about 70 per cent of children attended school regularly. Efforts needed to be focused on integrating children who were still excluded from the school system but, regarding the school drop-out rate, he noted that the figures put forward often included enrolments that were non-existent or five years old and therefore overestimated the real rate. Nonetheless, the Government was determined to introduce a national commitment to elementary education in six or seven weeks' time in order to cover the whole country.

13. Child labour remained a problem in a number of States. The Government of India was committed to devoting more resources to education, increasing decentralization and giving the community a greater monitoring role in order to provide quality elementary education for all children, in particular children from marginalized groups.

14. Ms. RAO (India) said that the issue of the legal definition of the child had been raised and submitted to the Law Commission. Following lengthy discussions, a consensus had been reached that there was no contradiction between setting an age limit for certain children's

activities and defining the child as a person aged under 18. That issue would be reconsidered in more detail throughout the country, particularly after the National Commission for Children had been set up.

15. The age of criminal responsibility was set at 7 years in India, but articles 82 and 83 of the Penal Code provided that acts committed by a minor up to 12 years of age did not constitute an offence because the child had not attained sufficient maturity to understand and judge the nature and consequences of his or her acts.

16. The need to harmonize and standardize civil law or to create a uniform code applicable to all children had been debated in India for decades. Indian society was pluralistic and allowed various religions and cultures to coexist. Currently, criminal law and all legislation relating to the environment were enforced uniformly throughout the country, as was the Code of Civil Procedure, but various customary laws and indigenous religious laws relating to personal status were protected and guaranteed by the Constitution. No representatives of religious or indigenous groups had expressed any reservations about the Convention on the Rights of the Child. The issue of harmonizing existing laws with the Convention would be considered in greater depth by the future commission on national law.

17. Legislation on restricting child marriages and on custody and rape was applied to all citizens uniformly without discrimination. In certain areas, such as family support, the person in question could choose between the uniform national legislation and locally-applicable the personal status provisions.

18. Following the Supreme Court's decision on child labour, the State had taken certain concrete measures. India's policy aimed to prohibit children aged under 14 from working. Once that ban was respected, it would provide a solid basis for guaranteeing the other rights of the child. To date, the Government had prohibited the employment of children in 13 professions and in the conduct of 15 procedures. Special schools had been set up to provide non-formal education, apprenticeship and supplementary nutrition for children who had stopped working pursuant to the Supreme Court's decision. The inter-ministerial committee on economic affairs had approved the continuation and expansion of the programme. Under another programme, funds were granted to charitable organizations and to NGOs carrying out projects for the social welfare of child workers, covering up to 75 per cent of the cost of the project in question. In 1992 India had been one of the first States to join the global programme launched by the International Labour Organization in December 1991 for the elimination of child labour.

19. Contrary to appearances, the measures taken by the Government of India following the Supreme Court's decision setting forth guiding principles for the regulation of Government actions and increasing the number of such actions, in cases where children were employed in dangerous conditions, were not simply one-off measures. Once the draft law on universal education for children under 14 and the draft law prohibiting the employment of children under 14 were on the statute book, it would be possible to address that issue thoroughly from a social and legal point of view. The legislation would then have to be backed up with appropriate social and political pressure. That was a question of time.

20. Ms. AGGARWAL (India) said that the Indian Constitution prohibited untouchability, which was covered by anti-discrimination legislation. Violations were severely punished and a commission was responsible for considering all issues relating to the scheduled castes and tribes listed in the annexes to the Constitution. Some affirmative action measures had been taken on behalf of members of such groups, increasing numbers of whom were participating in all aspects of economic life and reaching important positions. The Constitution provided for significant restrictions of early marriage, but in that area like that of the untouchables, it would take time for attitudes to change, especially through achievements in education and development.

21. The decisions of the Supreme Court, which bound all the courts in the country, had been followed up with concrete measures, particularly legislative measures, in areas such as adoption, guardianship, juvenile justice and disabilities. The relevant legislation was implemented at all levels. In that regard, it should be noted that persons who felt that their rights had been violated had the possibility of bringing the matter before the courts simply by sending a letter setting out their grievances.

22. The proposed National Commission for Children would be an independent body responsible for considering all legislation affecting children and for establishing a comprehensive code. It would investigate all violations of children's rights, although it would not be a substitute for the Alliance for the Child.

23. The Government cooperated with NGOs, which assisted it in implementing all sorts of programmes. It funded activities conducted within that framework and sought the opinions of NGOs in various fields. Thus NGOs had been consulted in the preparation of India's initial report.

24. Concerning coordination of activities, official mechanisms had been put in place at different ministerial levels, but additional efforts were needed in that area.

25. Every effort would be made to collect the required statistics in the framework of the 2001 census; relevant data currently being collected would be included in the next report.

26. The Government was not encountering any particular difficulty in funding activities relating to the implementation of the Convention, although it was aware that additional resources would be useful in order to be able to do more. It had begun evaluating the National Plan of Action for Children, which had been launched in 1992 and covered a period of 10 years. The impact of globalization on children, which was already the focus of several studies, would be described in more detail in the next report.

27. The CHAIRPERSON invited the members of the Committee to ask questions on monitoring and general principles.

28. Mr. DOEK asked whether children had in fact been heard during the "Voices of the children" campaign and whether concrete measures had been taken as a result. He would like to know why no legislation had yet been adopted to affirm the right of children to be heard, particularly before the courts.

29. Mr. RABAH, referring to paragraph 85 of the initial report, asked what measures, if any, had been taken to raise awareness of the rights of the girl child and to promote equality of children of both sexes.

30. Mrs. KARP asked whether all the activities aimed at changing mentalities and behaviours and, generally speaking, all policies and programmes relating to the rights of the child, formed part of a well-defined global strategy. She would appreciate specific details of the measures taken by the National Commission for Scheduled Castes and Scheduled Tribes to improve children's living conditions. She would also like to know what difficulties the central Government was encountering in implementing its decisions in the different States comprising the country.

31. She asked how the Government of India intended to ensure that the principle of the best interests of the child was respected, vis-à-vis the different types of personal status and religious particularities. She would like to know how the rights-based strategy required by the Convention was to be put into practice and whether there was a systematic programme for training public servants and other individuals working to ensure respect for children's rights.

32. Mrs. SARDENBERG said she would appreciate her question about the impact on children of the transition to a market economy being answered without waiting until the next report. She would like more specific information about the mechanisms governing relations with NGOs and civil society, the children's code, the practical implementation of the global strategy on children's rights and the measures taken to protect disadvantaged tribes. Further information on child prostitution and Devadasis, and on measures to combat discrimination against the girl child, would be welcome.

33. Mrs. MOKHUANE requested a clear explanation of how the right to development was implemented in India, particularly in relation to children.

34. Mrs. RILANTONO said she wondered about the basic principles governing programmes relating to street children. Activities undertaken in that area should go beyond punishment and focus more on education, in an effort to bring about a change in mentalities. The Government should start by defining such principles clearly and acting in cooperation with NGOs, which would then enable it to evaluate the results of its action more precisely.

35. Mr. FULCI said that he was concerned at the persistence in Indian society of three phenomena that were nonetheless prohibited by law: discrimination against widows, of whom there were many because of early marriage, but who were seen as a source of misfortune and were forced to leave their homes and live in isolated communities; female infanticide and the use of amniocentesis to find out the sex of foetuses and carry out selective abortion and the widespread use of children for picking up litter.

The meeting was suspended at 4.35 p.m. and resumed at 4.45 p.m.

36. Ms. AGGARWAL (India) said that it was possible for children to be heard in cases concerning them, especially in the children's courts. A number of affirmative action measures had been taken on behalf of girls. Parents were paid an allowance on the birth of a girl and

scholarships were provided throughout the girl's schooling and again at university level, which had the effect of preventing girls from dropping out of school or marrying too early. The Ministry of Education was conducting a programme specifically aimed at raising awareness of girls' rights, a subject also treated by various radio and television programmes, including one, designed to encourage girls to remain in school, which had been developed in cooperation with UNICEF. One of the ICDS programmes mentioned in paragraph 16 of the initial report specifically targeted teenagers. In an effort to change attitudes, the Government had established close cooperation with NGOs and society at large: universities, study centres and the media. In so doing it made use of the public radio and television broadcasting network, which reached all communities, even those in the most remote villages.

37. Concerning the impact on children of the establishment of the Commission for Scheduled Castes and Scheduled Tribes, she noted, first of all, that the Commission did not work exclusively on behalf of children, but worked for all members of scheduled castes and scheduled tribes. Its role was to submit regular reports to Parliament and the ministers and to prepare guidelines. When the Commission learned that the guidelines were not being applied, it sent an inspector to conduct an on-the-spot inquiry.

38. Mr. SINHA (India), referring to the impact of economic reforms and globalization on Indian society, said that the transition to a more liberal policy in 1991 had not been accompanied by a reduction in social budgets. On the contrary, the high growth rate attained through the reforms, which had been as high as 6 per cent, had made it possible to increase investment in the social sector, in particular employment and education. It was true that some areas had received more investment than others and that displacement of manpower had caused overpopulation in the cities, but the Government was paying close attention to the problem. Generally speaking, the 1990s, besides being years of economic reform, had been a time of campaigns for social awareness, in particular in favour of vaccination, literacy and non-discrimination. They had also been a turning-point towards the adoption of an efficiency-based approach. In the education field, decentralization of teacher recruitment had resulted in both savings and the unprecedented filling of all vacant posts.

39. The castes and tribes explicitly protected by the Constitution accounted for 15 and 7.5 per cent of the population respectively. Constitutional protection included, for example, the obligation for the Government to develop a tribal sub-plan and a special-component plan for the castes and to set aside a percentage of public investment for the tribal areas, which were autonomous and chose their own leaders. The districts with a high concentration of tribal communities also had a tribal autonomy council, whose consent was required prior to any industrial, mining or forestry activity being conducted in any of the communities. He noted the recent establishment of the Department for Tribal Affairs and referred the Committee to the initial report for information about progress achieved in schooling children from scheduled castes and scheduled tribes. Participation of the tribes and castes, and also of women, had improved significantly throughout the 1990s. A third of those elected to municipal Government had to be women, and a bill introducing female quotas for seats in Parliament had recently been submitted.

40. Ms. AGGARWAL (India) said that the Government maintained close relations with NGOs. A number of programmes, such as a programme granting microcredits to women, were financed by the State but carried out by NGOs. In addition, some NGOs were represented on public bodies and commissions.

41. The Government had recently begun to assess the number of widows seeking refuge in holy places, which was said to be on the order of a few thousand. The problem was apparently limited to western Bengal, and to resolve it the federal Government had recommended that the Government of western Bengal should consider paying out a widow's pension. The Government of western Bengal had already set up shelters and information centres for the widows concerned. They were also able to receive vocational training from Government-subsidized NGOs.

42. With regard to Mr. Fulci's other subjects of concern, she said that requesting amniocentesis with a view to conducting an abortion if the foetus proved to be female was considered to be a crime by law and that child labour was prohibited. NGOs and militants were very active on such issues, although it had to be acknowledged that attitudes changed slowly.

43. Ms. RAO (India) said that the Devadasis, although part of the Indian cultural heritage were a controversial group. Southern India had always contained Devadasis, who had originally been sacred dancers. Deprivation and abject poverty had caused them gradually to take to prostitution. Awareness-raising programmes had been conducted in the four southern States concerned, and women's associations had developed plans for assisting the Devadasis. Such plans focused on providing them with training and assistance in establishing businesses, to bring them out of prostitution.

44. In 1992 she had taken part in a project conducted in Karnataka State, under which some 24,000 Devadasis had received one or two hectares of land, half of which had been State-subsidized and the other half financed by loans taken out by the beneficiaries. The farms had become profitable within a few years and virtually all of the Devadasis had been able to pay back their loans. The Government had been working together with NGOs to help reinsert the Devadasis into society and raise public awareness of the inhuman nature of their situation.

45. The concept of a rights-based approach to implementing the Convention was a new one for India, where communication between the different levels of Government remained slow. Thanks to the catalyst role played by UNICEF, however, that concept had become firmly rooted in the workings of national and local Government bodies, social institutions and NGOs. Similarly, all legal provisions currently under review, in particular the Juvenile Justice Act 1986, took a rights-based approach and referred to the Convention.

46. Ms. AGGARWAL (India) said that the National Institute of Public Cooperation and Child Development held regular training seminars, which were largely based on the principles of the Convention, for public servants working with children. Police officers were also aware of the Convention's provisions and of issues relating to sexual inequalities.

47. The CHAIRPERSON invited the members of the Committee to ask questions on civil rights and freedoms and family environment and alternative care.

48. Mr. DOEK said that he was concerned about the low rate of birth registration, which undermined the reliability of all available statistical data on children. He would like to know what concrete measures the Government had taken to correct that problem and whether it had requested assistance from UNICEF or other organizations. The Committee had received disturbing information about children belonging to the Chakma and Hajong groups, which had been expelled from eastern Pakistan - present-day Bangladesh - in 1964 as a result of a hydroelectric project. Was it true that they were refused Indian nationality?

49. Regarding children's access to information, which was a problematical issue, he asked whether the Government was considering the establishment of mobile libraries.

50. The Indian Government's reply to the Committee's question on the measures taken to prevent and prohibit police brutality and torture, that no police brutality towards children had recently been reported, was not fully satisfactory, especially as the Committee was in possession of information contradicting that statement. The dalits appeared to be subjected to aggression by the police and private militias (sinas) because they were suspected of being in sympathy with the naxalites, who had conducted some violent land-redistribution campaigns. There were apparently a large number of women and children among the victims. Violence against street children was also said to be very widespread. In addition, many children in Jammu and Kashmir had reportedly been murdered, tortured or caused to disappear. What measures was the Government considering to combat all those forms of violence against children?

51. In conclusion, he asked whether those responsible for brutality and physical violence, especially corporal punishment, against children - parents, teachers and others in a position of authority - were prosecuted and what had been the reasons for the 30 deaths in children's homes reported by the National Human Rights Commission.

52. Mrs. LE GUINDI asked how the principle of the best interests of the child was guaranteed under the different adoption procedures and whether there was a mechanism for follow-up of children in their respective adoptive homes.

53. Mr. FULCI asked whether the Indian delegation was able to confirm information stating that only one-third to one-half of children were registered at birth. On another matter, the Committee was deeply concerned at reports of torture and sexual violence by law-enforcement officers and police officers against children in police custody. In that connection, he regretted that the Special Rapporteur on the question of torture had not been authorized to visit India despite having made repeated requests to do so since 1993. The World Organization against Torture had reported violence by the army against children in the State of Manipur. What concrete measures was the Indian Government planning to take to correct that situation and to give effect to article 37 (a) of the Convention? Were complaint mechanisms accessible to child victims of violence?

54. Lastly, he would like additional information on the number of abandoned children and the amount of financial and human resources given to institutions providing alternative care for children in need.

55. Mr. RABAH said that he would appreciate additional information about the repercussions of conflicts, especially religious conflicts, on children belonging to minority groups, and asked to what extent children's rights were affected by the conflict in Kashmir.

56. Mrs. RILANTONO asked who distributed children's periodicals, what proportion of children had access to the children's press and how children were protected from the potentially harmful information disseminated by certain media.

57. Mrs. MOKHUANE asked whether the Government had called on traditional birth attendants to raise the people's awareness of the importance of birth registration, which, in particular, enabled the Government to anticipate the resources needed for the country's children. She would like to know how the right to privacy of children in conflict with the law or child victims of violence was protected, given that some professional journals published photographs of children involved in judicial proceedings. Were there specific rehabilitation programmes for child victims of torture or violence? How did the authorities deal with the issue of police brutality?

58. She was not convinced by the reply to question 15 of the list of issues, as she was in possession of information attesting to the extremely precarious situation of women and children who had been the victims of expulsion and forced displacement as a result of large-scale economic projects conducted in the context of structural adjustment policies. She would like to know how the Government intended to improve the living conditions of homeless people in the regions concerned.

59. Mrs. KARP asked whether it was true that no legal provision existed for the removal of a child from his or her family in the case of ill-treatment by the family, and if so, how the interests of a child in such a situation were protected. She would also like to know what mechanism existed for child victims of incest, whether there were rehabilitation programmes for them, what proportion of parents were convicted of incest and what types of penalties they received.

60. Had research been conducted on a possible link between ill-treatment, especially incest, in families and the existence of street children? How was it that the Juvenile Justice Act applied both to abused children and juvenile offenders? Was the Government combating the practice of early marriage for girls?

61. The CHAIRPERSON asked whether, given the high level of violence in India, the authorities were working to promote a culture of peace and tolerance. She invited the Indian delegation to reply to the Committee members' questions at the following meeting.

The meeting rose at 6.10 p.m.

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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-third session

SUMMARY RECORD OF THE 591st MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 12 January 2000, at 10 a.m.

Chairperson: Mrs. OUEDRAOGO

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CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of India (continued)

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GE.00-40239 (E)

The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 6) (continued)

Initial report of India (continued) (CRC/C/28/Add.10); (CRC/C/Q/IND/1 (list of issues); written replies of the Government of India to questions raised in the list of issues (document without a symbol distributed in the meeting room in English only))

1. At the invitation of the Chairperson, the members of the delegation of India resumed their places at the Committee table.

2. The CHAIRPERSON, referring to the list of issues (CRC/C/Q/IND/1), invited the delegation to reply to the outstanding questions from the previous meeting.

3. Mr. SABHARWAL (India) said that international treaties did not automatically take precedence over domestic legislation. In a 1997 judgement in a case on gender equality, the Supreme Court had stated that the Constitution was of sufficient scope to cover all aspects of gender equality. If difficulties arose in interpreting domestic legislation or where there was a void in the domestic legislation, reference was made to international conventions and standards, provided there were no inconsistencies with domestic legislation. In the absence of legislation, the Supreme Court would lay down the guidelines.

4. With regard to the problems some Bangladeshi refugee children had faced in obtaining Indian citizenship, an agreement had been signed with the Government of Bangladesh under which the refugees had returned to Bangladesh. He was unaware of any outstanding cases.

5. Mrs. RAO (India), referring to the question on the low percentage of birth registration, said that the 1969 Registration of Births and Deaths Act was applicable throughout the country. The problem had been recognized and there had been significant dialogue between the Government, international organizations, non-governmental organizations (NGOs) and organizations working in the interests of children, in an effort to correct the situation. It was a recognized fact that there was no uniformity in the organizational structure of the registration system. Consequently, the Registrar General had appointed village-level functionaries as "notifiers" who would provide the information to the relevant authority in the appropriate format.

6. Registration levels had no doubt been boosted by the polio immunization programme and the spread of the Integrated Child Development Services (ICDS) nationwide. However, the problem persisted, due mostly to the fact that parents in the poorer, illiterate sectors did not understand the importance of registering births. As a result, the Registrar General had begun a review of the system, involving not only government bodies but also civil society. There was obviously a need for public awareness campaigns, and guidelines had been laid down to streamline procedures. A computerization programme was in progress; it functioned solely at the state government level for the moment, but would be extended to the other levels in time.

7. Mr. SINHA (India), referring to the attacks on the dalits and corporal punishment in schools, acknowledged that there had been some cases of violence in certain parts of the country,

especially in Bihar. That situation reflected a long-standing struggle between the landed and the landless. It was not so much a question of police brutality as citizens taking the law into their own hands. The high levels of poverty in Bihar province had led to the formation of left-wing organizations which had gained strength over the years, with demands being made for higher wages and other legitimate requests. The landed had also organized themselves. Both sides had taken extreme positions, leading to instances of tension and violence. However, conflicts in most other regions had been resolved within the confines of constitutional law. The Government was aware of the need to prevent violation of poor people's rights and had sought to address that issue within the context of the law, and qualitative changes had in fact been observed over the years.

8. As to corporal punishment in schools, the federal Government was aware of the problem and had issued clear instructions to state governments and schools to ensure that children were treated appropriately within the school system. There had been a few cases of children being beaten in schools, but nothing on so wide a scale as to cause alarm.

9. Regarding protection of children's civil rights, there were admittedly problems, but the work of the media, the election of representatives for the dalits, in particular, and affirmative action to ensure that such groups secured high-ranking places in government had gone a long way towards satisfying the aspirations of those communities and protecting their civil rights.

10. Ms. AGGARWAL (India) said that the Ministry of Social Justice and Empowerment had instituted a programme, involving state bodies and educational institutions, to remove street children from the streets and protect them from abuse and exploitation. The Government had sought to shift the focus from slum children, so far the main beneficiaries, to orphans and the children of sex workers. The Government of India covered up to 90 per cent of the cost of each project, and 100 per cent in the Union Territories.

11. There had been no recent reported cases of police brutality towards street children, but NGOs and the media monitored the situation closely and notified the authorities whenever such violations took place. The Government had recently introduced a helpline to provide emergency assistance to abused children, and children could be entrusted to an associate organization for long-term care if necessary. Abused children could also lodge complaints with the National Human Rights Commission (NHRC).

12. With regard to the death of children in observation homes, he said such homes were duty-bound to investigate the deaths of children in their care. As to psychological assistance offered to street children, NGOs were free to structure programmes according to children's needs. Adoption was governed by the 1956 Hindu Adoption and Maintenance Act, and the Ministry of Social Justice and Empowerment had recently set up the Central Adoption Resource Agency (CARA). Guidelines had been set for adoption and placement agencies stipulating that precautionary measures were to be taken before inter-country adoption was approved.

13. Scavenging was prohibited by law. Libraries were accessible at all levels of the society, and mobile libraries visited villages on a weekly basis. In addition, most schools were granted funds to set up their own libraries.

14. Mrs. RAO (India), replying to a question on the prevention of children's access to harmful information, said that pornography was a clandestine activity, which limited its spread. Censorship was exercised over the different types of media. Social consensus and severe family pressure prevented that type of material from being disseminated publicly, as also did the efforts made by the police and other authorities.

15. Regarding welfare measures for the children of Jammu and Kashmir and of minorities in conflict areas, the Government had introduced schemes for the psychological and economic rehabilitation of victims of armed conflict. Financial assistance was provided, through a corporate fund set up by a council established in 1995 and by the state government, for vulnerable groups, including widows, girl students and the elderly. With regard to orphans, funds were used to provide sponsorship to residential schools, vocational training course preparation, scholarships and reimbursement of tuition fees. Six camps had been set up in Jammu and Kashmir to administer special treatment to those who had been injured or handicapped as a result of armed conflict. At the national level, a finance corporation had been established to organize loans for minorities to set up small businesses or for scholarships. Special educational programmes had also been introduced in regions which were heavily populated by minorities. A statutory minorities commission had also been established at the national level to oversee implementation of minority schemes, register complaints and advise the Government.

16. Mr. SINHA (India) said that articles 29 and 30 of the Constitution provided for the protection of the interests of minorities, in particular their right to establish and administer educational institutions. The Constitution also established safeguards for linguistic and religious minorities. Community development blocks, which fell under the Area Intensive Programme for Minorities and which had been identified as having a high proportion of linguistic and religious minorities, were offered support for the construction of school buildings, and some institutions had been equipped with computers and other modern facilities. There had been a few small-scale experiments to place the children of minorities in public elementary schools.

17. Mrs. RAO (India) said that the Ministry of Home Affairs had recently released funds to the government of Assam for assistance to persons displaced as a result of ethnic and other violence. A number of NGOs were involved in the effort. Money had also been provided for displaced children from Mizoram living in Tripura, based on the ICDS pattern. The Ministry of Social Justice and Empowerment had approved a residential school project for displaced children in Manipur. In the north-eastern states, about 200 schools in Tripura had been forced to close as a result of the violence, but schools in other areas were still functioning normally and strong efforts were being made to reopen schools in Tripura at the earliest opportunity.

18. It was the militant groups which recruited children under 18 for military purposes, thereby violating article 38 of the Convention. Every effort was being made to discourage the practice and to build up social pressure against it. A workshop on the Convention had recently been held in collaboration with the United Nations Children's Fund (UNICEF) and all the governments of the north-east states, and had been supported at the highest governmental levels. The authorities were taking steps to issue a declaration on the interests of children in those states. The central Government had taken all possible action with regard to missing children, with the

help of international agencies. Cases had been brought before the courts, and efforts were being made to obtain the release of children held captive. A recent investigation into complaints of army excesses had resulted in a court martial, but the case had been found to be groundless.

19. Mrs. KARP asked how the investigation had led to that decision.

20. Mrs. RAO (India) said she was unaware of the details, but assumed that the authorities had followed the procedures laid down in the relevant Act.

21. Ms. AGGARWAL (India), replying to a question by the Chairperson, said that violence among young people did not pose a serious problem in India, owing to the existence of a strong family structure. However, messages concerning peace and harmony were regularly dispatched through the media, and the authorities endeavoured to ensure that peace was maintained throughout the country.

22. The CHAIRPERSON invited members to put additional questions to the delegation, followed by questions on health and special protection measures.

23. Mr. DOEK requested information concerning the number of children cared for in private, as opposed to official, homes. He wished to know whether private homes received State financial support, whether they were subject to Government control, and whether periodic review was provided for such children, in accordance with article 25 of the Convention. He asked whether the guidelines on foster care contained qualitative criteria for foster families, and whether there was also a campaign to encourage families to offer to serve in that capacity. Did the authorities plan to ratify the Convention on Protection of Children and Cooperation in respect of Inter-Country Adoption?

24. He wondered why, despite the country's efforts, so little headway had been made in improving the persistent malnutrition situation in India, which most affected children in the scheduled tribes and castes. The authorities might seek technical assistance from the World Health Organization (WHO) in that connection.

25. He wished to know whether, in addition to legislation and guidelines, there were specific programmes to protect the right of asylum-seeking children to education, pursue the goal of family reunification and facilitate the return of displaced children to their homes. Such programmes would be particularly relevant to children living in the Tripura camps and to tribal children in Manipur.

26. More information on the actual functioning of the juvenile justice system would be welcome. It was important for the Committee to know whether it was the prosecutor, the judge, or both, who determined whether a child aged 7-12 was sufficiently mature to be prosecuted. He also wished to know how many children under 12 had been prosecuted and what types of punishment had been meted out to them. Since boys aged 16-18 could be dealt with as adults, it would be interesting to know the numbers involved and whether there were special jails, homes or detention centres for that age group.

27. Ms. EL GUINDI asked what measures were in place to ensure that children in detention were separated from adult prisoners, and whether services existed for children's recovery and rehabilitation. She would also like to know what kind of training concerning the provisions of the Convention was provided for professionals working with children, especially the police and employees in childcare institutions.

28. Mr. RABAH endorsed Mr. Doek's remarks concerning the lack of statistics relating to the types of crimes committed by juvenile offenders, and asked whether the legislation provided for any alternative punishment. He wished to know whether there were social workers in the care institutions, what post-institutional treatment was provided, whether there were any specific preventive measures for juvenile offenders, whether legal aid was provided at all stages of the proceedings and what role was played by NGOs.

29. He asked whether India, in addition to its action to prevent the abduction and sale of children, had entered into bilateral or multilateral agreements with neighbouring countries, which would provide the authorities with information about other countries' child-protection solutions. Did the fact that the kidnapping of children for purposes of begging and the sale of children for prostitution were listed as serious offences in the Penal Code mean that their sale for other purposes was acceptable?

30. Mrs. KARP asked what steps had been taken to discourage incest and early marriage. She wondered whether the system of compensation for child labour might not encourage parents to send their children out to work. Did the country have any plans to deal with the problem through a universal social security system? Turning to health, she expressed dismay at the suicide rate, especially among girls in rural areas. She asked what measures the authorities were taking to remedy the situation and whether any studies into its causes had been undertaken. She would also like to know whether treatment for trauma was available to children living in areas affected by violence or armed conflict.

31. She was disturbed by the fact that some 95 per cent of disabled children had no access to health services, and wondered what was being done to close the huge gap between the new legislation and the actual situation. She also inquired whether counselling services were available to adolescents, and what measures were in place to deal with the problem posed by the need for parental consent to medical treatment in the event of a conflict of interest.

32. While applauding the fact that primary education was free and compulsory, she asked whether there were any incentives for the poor and disadvantaged to progress to secondary education. Was non-formal education a provisional measure, for children who could not attend regular schools, or a permanent measure for solving the problem of working children? She was greatly concerned at the fact that children aged 16-18 were treated as adults in the criminal justice system. Further, it was discriminatory that all children under 18 were not equally protected. Were there plans to enlarge the protection system to cover all regions and ensure that all children received equal treatment under the juvenile justice system? On the subject of sex offences, she reiterated her question as to how boys were protected when no age of consent had been established for them. She asked what steps were being taken to stamp out corruption among law enforcers to ensure that children's rights were protected. She would also like to know the extent to which India's Plan of Action to Combat Trafficking and Commercial Sexual

Exploitation of Women and Children coincided with the Declaration and Agenda for Action of the World Congress against Commercial Sexual Exploitation of Children, which recommended criminalization of the use of child-prostitute services.

33. She noted that work by children under 14 was prohibited only in "hazardous" occupations. Were there plans to extend that prohibition to employment which, while not physically hazardous, might affect the child's education and not be in his or her best interests?

34. Mrs. RILANTONO requested clarification of the disparity between the figures provided in the national survey on breastfeeding and those in the report of the Breastfeeding Promotion Network of India. The latter was discouraging, revealing that use of artificial milk during the first four months of a child's life had risen from 10.9 per cent to 55.3 per cent. She would also welcome clarification of the contradiction between the announcement by WHO of a polio-free world and India's expressed intention to eradicate polio by 2000. She asked whether the social security scheme covered employment alone or whether there was general social security. What types of programmes were covered by the new initiatives on "horizontal integration of programmes"? She had found no mention of family planning programmes for containing India's population explosion. She also wondered how the figure of 4,000 cases of child abuse, neglect or rape in 1997 had been arrived at.

35. With regard to the juvenile justice system, she asked whether there was any mechanism for determining the vulnerability of children under 16 years of age - whose families might have denied their right to education - before they were placed in the juvenile justice system. Concerning the elimination of child labour, there was still enormous poverty in India and some children needed to work in order to assist their families. She inquired whether there were any regulations for limiting the number of hours worked daily to four, more than which would affect a child's education. It was also important to obtain statistics on children working in the formal and informal sectors, as it was more difficult to supervise large numbers of children working in the informal sector.

36. Mr. FULCI observed that there were two aspects to the issue of breastfeeding: on the one hand, the need to encourage information about its advantages and challenge the negative impact of milk-substitute marketing and, on the other, the need to inform actual and potential AIDS victims of the possibility of transmission of the disease through breast milk. What steps were being taken to eliminate the impact of poor education on breastfeeding rates?

37. Refugee children were mainly from Sri Lanka, Tibet, Bangladesh and Myanmar, and an estimated 75,000 children had been born in India in the previous 10 years to Sri Lankan refugees. The focus of the Government's refugee policy was voluntary repatriation, but no information had been provided on forced repatriation. While India was cooperating with the Office of the United Nations High Commissioner for Refugees (UNHCR), that cooperation did not extend to Sri Lankan Tamils, some of whose camps were reported to be extremely cramped and unhygienic. He wished to know why UNHCR and NGOs had been denied access to them. He would also welcome comment on allegations of forced migration, especially of Bangladeshi and Sri Lankan children.

38. Children were often the main victims of armed conflict; NGOs and human rights activists had expressed concern about such children, particularly those in Jammu and Kashmir. Reports indicated that some 30,000 young people had been killed in conflicts in the past decade; many were tortured or sexually abused before being killed because of where they lived or the politics, religion or ethnic origin of their family. He requested more precise information on the measures being taken to promote the physical and psychological recovery and social reintegration of such children.

39. The Juvenile Justice Act defined a boy under 16 as a child; it followed that the death penalty was applicable to young men of 16 or over, which contravened the Convention. In July 1997, the Human Rights Committee had recommended that the Government end the application of the death penalty to minors. He requested up-to-date information on that issue. While India's participation in the International Programme on the Elimination of Child Labour (IPEC) was to be welcomed, the Programme covered fewer than 80,000 children. Moreover, according to independent sources, nearly half of all cases of child labour in the world occurred in India, which was an alarming figure. What other measures was the Government taking to tackle the problem?

40. Independent reports estimated that there were 400,000 sex workers below the age of 18 in India. Ritualized prostitution (the *Devadasi* system) was continuing in several southern states, especially in Dalit communities. According to some NGOs, between 5,000 and 15,000 girls were auctioned each year to urban brothels through the *Devadasi* system. What was the Government doing to end that practice?

41. Mrs. KARP said that, in one district in India, about 1,100 people, including many children, had died of malnutrition since 1993. Why had no action been taken by the federal Government or the states to remedy the situation? As a result of the recent flooding in Orissa, more than 10,000 people had died and thousands more were starving. She asked why the Government had failed to provide emergency help during the first 15 days of the crisis. Most "untouchables" were deprived of safe drinking water because upper-caste Hindus, fearing pollution of the water, prevented them from sharing village wells or pumps. What was the Government doing to address that problem? Children working as scavengers often died of skin diseases. Did the Government compensate the families of such children or help the children themselves to recover?

42. On a visit to India, she had seen a one-room school intended to cater for approximately 200 children; in good weather, some lessons were conducted outside under the trees, but where would the children be taught during the monsoon? Would such a school be included in the planned infrastructure development?

43. In some areas of rural India, upper-caste landlords often punished Dalit women by stripping them naked and parading them through the village. Owing to their fear of the landlords, the local police did not register complaints of such incidents. Was the Government aware of that problem and was it doing anything to resolve it?

44. Mr. DOEK, referring to paragraph 286 of the report, asked what progress had been made under the programme, launched in 1994, for withdrawing 2 million children from hazardous

working conditions. How effective was the implementation of the Child Labour (Prohibition and Regulation) Act? How many child labour inspectors were available to visit workplaces and what training did they undergo? The written reply to question 36 indicated that IPEC had been due to end in December 1997 and that efforts were being made to extend it to December 1999. Had the Government succeeded in extending it and, if not, was the Government doing the work previously covered by IPEC? As Mr. Fulci had said, it was important for the number of children covered by the programme to be increased. The Government's efforts to deal with the serious problem of child labour should be commended; however, what was the Government planning to do besides ratify the Worst Forms of Child Labour Convention? Were there any concrete plans aimed at making the elimination of the worst forms of child labour a reality, not just an aspiration?

45. The written reply to question 54 indicated that the situation of children in custody was constantly reviewed by probation and welfare officers. How many such officers were available to perform that role and how many children were in custody?

46. Mrs. MOKHUANE said she would appreciate further information on the measures adopted to integrate the subject of HIV/AIDS into the curricula of both the formal and non-formal education sectors. What had the Government done to address the problem of discrimination against HIV/AIDS sufferers by health-care professionals and to ensure that the condition of such patients was kept confidential? She would like to know what action had been taken to ensure coordination between different government departments in their efforts to deal with HIV/AIDS-related issues. What programmes were in place to address the problems of child prostitution, drug use by street children, and children orphaned as a result of AIDS? She would also like to know how information on HIV/AIDS prevention and care was disseminated to children and young people, what was being done to address gender-specific concerns related to HIV/AIDS and whether steps were under way to enact laws prohibiting HIV/AIDS-related discrimination.

47. Regarding public health-care issues, statistics showed a reduction in rates of maternal mortality and micronutrient deficiency, but both were still alarmingly high. The problems of low birth weight and low height of teenagers were not addressed in the report. Although access to health services had improved, the quality of care also needed to be enhanced. She asked whether studies had been carried out to ascertain whether people found health care services to be effective. Many children died from preventable diseases. She asked whether poverty relief programmes were in place to try to reduce the number of such deaths and, if so, how effective they were. Was the Government encouraging coordination between different health departments to improve the planning of health-care services? Policies relating to inclusive and child-focused education were necessary to prevent large numbers of children from dropping out of school as a result of health or social problems.

48. Regarding special protection measures, the violence in Kashmir was a cause for grave concern. Many people in Kashmir were taking the law into their own hands; had any studies been conducted to look at the reasons why people felt such action was necessary? The violence had led to the displacement of many children from school, and some schools were not operating. She asked what the Government was doing to remedy that situation, and what policies were in place to provide a safe family environment for the many children living on the streets in India.

49. The CHAIRPERSON asked what the rate of teenage pregnancies was and what measures were being taken to prevent such pregnancies and reduce the number of abortions. How were children born out of wedlock registered? How did children not recognized by their fathers obtain food coupons, as it was usually the father's responsibility to allocate such coupons to his children?

The meeting was suspended at noon and resumed at 12.15 p.m.

50. Mr. SINHA (India) said that his delegation shared the Committee's concern at the very high number of child workers in India. The Government's commitment to eliminating child labour could be traced back to the Constitution, which declared that children up to the age of 14 must be provided with free and compulsory education. Efforts to reduce the incidence of child labour were focused on implementing the right to education, as there was evidence to show that the number of child workers was negligible in states where most children attended school. It was important to draw a distinction between child labour in the agricultural and non-agricultural sectors: although most child workers were employed in the agricultural sector, it was much easier to tackle the problem in that sector because the wages paid to children were so small that families were more willing to make adjustments to allow the child to attend school. Moreover, owing to the seasonal nature of agricultural labour, most children employed in that sector actually worked for only a few days or weeks in the year. Child labour within organized industry presented a greater problem because the wages paid were higher. Nonetheless, consistent efforts were being made to tackle the problem in those districts and industrial sectors where the incidence of child labour was highest.

51. The NHRC had directed the Department of Education to work towards a consolidated plan of education for child workers. The non-formal education programme had been criticized by some members of the Committee because of the lack of resources allocated to it and the resulting low standards of educational achievement. The programme had in fact been revised. It was now called the Alternative and Innovative Education Programme; it focused on areas not served by formal schools and the level of investment per child was nearly as high as that in formal schools. The revised programme provided for "back-to-school camps" where children who had been taken out of the workforce followed an intensive four- or five-month teaching programme in order to enable them to re-enter school. Many districts with a large number of child workers were also covered by the District Primary Education Programme.

52. Despite the continuing concerns over child labour, it was felt that the efforts being made to eliminate it, combined with monitoring by the courts, were a move in the right direction. Moreover, several surveys conducted in the 1990s had shown that parental and community demand for better education provision had increased greatly since the 1980s. It was hoped that the fact that education was now a right would result in greater questioning of traditional thinking and thus a further increase in community demand for education. Another independent survey had found that, even in the most backward regions, the number of children who had never been enrolled in school had dropped from 52 per cent in 1986-87 to 19 per cent in 1996. However, much remained to be done in improving the quality of education and reducing drop-out and repetition rates.

53. It had been pointed out that, if access to primary education were improved, there would be a greater demand for secondary education. The 1986 National Policy on Education and the 1992 Programme of Action had focused both on secondary education and on vocational education at secondary and higher secondary levels. Both secondary and vocational education were undergoing a process of modernization and enrolment rates were increasing. Budgetary resources and support from NGOs continued to be vital to ensure that every child received a quality education.

54. Mr. SABHARWAL (India), said that India had been one of the first countries to join the IPEC programme in May 1992, when it had signed a memorandum of understanding with the International Labour Organization (ILO). However, a decline in core funding and donors' tendency to allocate funds to projects in the export industry, which was not the only area affected by child labour, had led the Government to discontinue the programme in January 1997. Discussions were currently taking place with ILO aimed at resuming the Programme with priority given to other areas, such as hazardous industries, where much work remained to be done.

55. On the subject of refugees, India's record with regard to protection for asylum seekers was second to none. Hundreds of thousands of refugees had been welcomed for many decades and solely national provision had been made for them without any international assistance. Refugees had been granted education rights, and there were no cases of expulsion or forced repatriation. In addition, there was no large-scale problem of separation of refugee children from their parents. Certain children had in fact been displaced from camps in the north-east of the country, but a number of schemes existed to assist them. With regard to UNHCR, he said that India was not party to the 1951 Convention relating to the Status of Refugees, as the conditions obtaining when the Convention had been formulated were very different from those existing currently. However, India's record was better than that of many of the signatories to the Convention.

56. With reference to the question of relief assistance for the victims of the Orissa cyclone, it was not true that the Government had failed to react for the first 15 days after the cyclone had struck. In fact, such assistance had been provided immediately in the form of food, medicine, clothing and shelter, details of which had been given to UNHCR.

57. The CHAIRPERSON invited the members of the Committee to ask additional questions and to make preliminary observations on the discussions with the delegation of India.

58. Mrs. KARP said that it was as difficult to formulate preliminary observations as it had been to analyse the situation prevailing in India. She expressed the hope that the Indian Government would examine the issues raised and take action in the relevant fields. Although there was much to be learned from a deeper consideration of those issues, there were many positive aspects to India's efforts to date. It was clearly committed to democracy, as had been demonstrated by its promotion of children's rights. Those rights were enhanced by the National Human Rights Commission, the National Commission for Scheduled Castes and Tribes and the national Constitution. A Department of Elementary Education had been established and a decision had been taken to set up a National Council for Children, which would act as an

independent authority with a mandate to investigate complaints. Considerable efforts had been made in regard to education, health, child labour, welfare and street children. A children's hotline had begun to operate, although a similar scheme was required in rural areas.

59. Despite the progress made, the Committee was well aware that India faced great problems owing to its size and multicultural nature. The country had an inherent system of castes, which were very prevalent in society and constituted an obstacle to the achievement of children's rights. The Committee was particularly concerned at the disparities existing between different regions and states. Given that the federal Government had ratified the Convention on the Rights of the Child, it must ensure that no de facto discrimination existed against children as a result of their belonging to a particular state or region. Much remained to be done if all children throughout the country were to enjoy the same rights.

60. A holistic and integrated approach to the problems existing was clearly lacking. It was necessary to acknowledge the links between discrimination, based on the concepts of caste and tribe, and the phenomena of poverty, illiteracy, child labour, child prostitution and street children. Without a public education campaign designed to change people's attitudes, it would be very difficult to achieve children's rights. It was important for the Government to play a leadership role in invoking the provisions of the national Constitution and different international agreements. In addition, a public education campaign to eliminate de facto discrimination against different minority groups would be a sign of a mature democracy. Such a campaign would be supported by the introduction of human rights education in schools so that children understood their rights from the earliest possible age. Given the immensity of the problems existing, and of the country's population, an attempt should be made to tackle those problems via small units, for example at local government level. The Panchayati rights system was a good illustration of how to solve education-related problems. The system introduced should be coordinated with other authorities and involve the participation of NGOs in policy formulation and implementation.

61. The new principles incorporated in the Convention, regarding respect for children's rights and attitudes towards their best interests, required the introduction of guidelines and training. Children should be directly involved in the formulation of policies affecting them, and their opinions on the report submitted by the Indian Government should be sought. National legislation must be reviewed so as to ensure its compliance with the Convention, as well as with religious and traditional laws. The idea of a uniform Code for Children merited serious consideration, as existing national legislation dated from the nineteenth or mid-twentieth century. New legislation should be put in place and, more importantly, implemented. Such implementation required appropriate evaluation and support in the form of the necessary funding and human resources. The introduction of certain new education projects had given teachers and trainers new hope and optimism, while children had begun to become aware of the concept of equality. It was important to develop that concept through the provision of education for children from the earliest possible age, supported by adequate funding.

62. Mrs. MOKHUANE said that the report paid insufficient attention to psychosocial rehabilitation programmes, especially in the light of the facts disclosed regarding child and sexual abuse, discrimination, street children and other related phenomena. The report failed to address the problems of physical and mental disability or the need to respect the dignity of and

provide counselling for people infected with HIV. Although India faced serious challenges, it had nevertheless followed the reporting guidelines and had tried to amend its legislation and implement programmes for children. Notwithstanding, the report did not refer to the four main principles of the Convention. It did not explore the principles of child survival and development, and it did not refer to the best interests of children in relation to family environment and health, or the expression of children's views. It was important to address the issue of non-discrimination more fully, given that the lack of attention to that subject had led to problems regarding the national planning policy and resource allocation. Inter-ministerial coordination should be strengthened and greater efforts focused on the monitoring and implementation of the Convention.

63. Other problems remain to be addressed, such as housing, with particular regard to minorities and street dwellers, environmental health, comprehensive resettlement programmes, education and public health concerns, including the incorporation of an appropriate social component rather than the simple involvement of traditional groups of health professionals.

64. The CHAIRPERSON said that the Committee was aware of the considerable efforts made by India to implement the provisions of the Convention. However, despite the numerous positive aspects, greater attention must be paid to changing attitudes among the population. That would enable both domestic law and the Convention to be implemented more effectively. It would also allow the principles of democracy to be more fully extended to children's rights. An official request would be made to the Indian Government to notify its acceptance of the proposed amendment to article 43 (2) of the Convention, relating to the increase in the number of Committee members. Both the report and the Committee's concluding observations should be disseminated as widely as possible in India.

65. Ms. AGGARWAL (India) said that her delegation had noted the constructive suggestions made. She reiterated India's commitment to the principles of the Convention, which would enable it to move towards the goals stipulated. With reference to the implementation of legislation, the national Constitution provided guarantees of all fundamental human rights, including children's rights. National laws were reviewed periodically so as to adjust them to changing needs. Since national independence the Government had provided such guarantees to all citizens, assisted in its task by an active and vibrant civil society. In that regard, the media continued to play a prominent role. With regard to the many problems encountered, the situation of millions of people had been improved, but that of millions more left room for similar improvement. The Government was trying to universalize the concept of literacy and to ensure that newly created wealth was equitably distributed while high rates of growth were maintained.

66. With regard to the effects of the implementation of laws, she said that the Government had tried to adopt a form of deterrent punishment but that a punitive approach was not always the most effective method. That was particularly true in relation to the clash between social beliefs and the standards of modern civilization. The most important and appropriate tools were those of education, persuasion and sensitization. Changes in attitude were difficult to effect, but the Government hoped to continue the progress already achieved.

The meeting rose at 1.15 p.m.

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Twenty-third session

SUMMARY RECORD (PARTIAL)* OF THE 592nd MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 12 January 2000, at 3 p.m.

Chairperson: Mrs. OUEDRAOGO

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COOPERATION WITH OTHER UNITED NATIONS BODIES, SPECIALIZED AGENCIES AND OTHER COMPETENT BODIES

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* No summary record was prepared for the rest of the meeting (closed).

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GE.00-40280 (E)

The meeting was called to order at 3.15 p.m.

COOPERATION WITH OTHER UNITED NATIONS BODIES, SPECIALIZED AGENCIES AND OTHER COMPETENT BODIES (agenda item 7)

1. Ms. MALUWA (Joint United Nations Programme on HIV/AIDS, UNAIDS) said that more than half of all people infected with human immunodeficiency virus had acquired the HIV virus before the age of 25, as was not surprising given that poverty, lack of skills, violence and harmful social norms were the main vectors of the AIDS epidemic, on a par with violations and deprivation of human rights.

2. More than three million children and young people under 25 had become infected with HIV in 1999. It was estimated that since the beginning of the epidemic 11.2 million children had been orphaned by AIDS. Those figures revealed to what extent children and young people continued to be affected, directly or indirectly, by an illness the impact of which was constantly increasing. They were at risk of infection from their earliest age by transmission from a seropositive mother, particularly in countries where pregnant women had no access to the new treatments. Young people could become infected directly because they lacked sufficient information about risks and how to protect themselves. The ever-increasing number of orphans often lived in communities which did not have the resources to cover their basic requirements and had to leave school in order to earn a living for their brothers and sisters. All kinds of economic, social and cultural factors made children more vulnerable to HIV/AIDS. The situation was exacerbated in the case of refugee children, or children living in extreme poverty or in the street, child soldiers and children in armed conflict zones or children involved in prostitution.

3. For those reasons, the Joint United Nations Programme on HIV/AIDS (UNAIDS) was continuing to give special attention to children in the response to the AIDS epidemic. For three years its had been conducting a vast awareness campaign, which also focused on the designing and implementing of policies and programmes targeted at children which featured their rights and called for their participation. The campaign also aimed at giving young people their say, and getting them to engage in dialogue with each other and with adults so that children infected with HIV/AIDS could be free from all discrimination. The outcome had been that many Governments and representatives of the public and private sectors had committed themselves to promoting children and young people's rights to information, education, recreation, safe spaces and employment. At the international level a number of organizations had included an HIV/AIDS component in their human rights activities.

4. UNAIDS had, in collaboration with the François-Xavier Bagnoud Center for Health and Human Rights, developed a publication entitled "Human Rights and the Prevention and Care of HIV/AIDS in Children and Young People", to be published shortly, which contained the recommendations adopted by the Committee on the Rights of the Child following its meeting on children's rights and HIV/AIDS. UNAIDS, in collaboration with the Office of the High Commissioner for Human Rights, had appointed a Human Rights and HIV/AIDS Officer who would work directly with the treaty bodies. The UNAIDS Secretariat had also decided to help the Committee on the Rights of the Child directly by transmitting to it relevant information and analysing reports submitted by States Parties in order to identify gaps and points requiring

clarification. It had developed a reference handbook with the François-Xavier Bagnoud Center. It had continued to strengthen collaboration with the other sponsors of the Programme (UNICEF, UNESCO, WHO, UNDP, UNFPA, UNDCP and the World Bank) in areas concerning the rights of the child.

5. Mr. ROSELAERS (International Labour Office) pointed out that the International Labour Organization's standards regarding child labour complemented the Convention on the Rights of the Child and hoped that the Committee and the International Labour Office (ILO) could continue their fruitful cooperation. In particular, he thanked the Committee for recommending that the States Parties should ratify ILO Convention No. 138 and the Worst Forms of Child Labour Convention (No. 182). ILO for its part would transmit to the Committee all necessary information concerning activities under the International Programme on Elimination of Child Labour (IPEC). Joint activities could be organized in the context of that collaboration.

6. During the past two years, the volume of IPEC's operations had expanded, as had the number of participating countries and the size of donor contributions. It had diversified its forms of cooperation and had gone on to adopt several approaches in its activity aimed not only at taking children out of work but also at educating them and helping their parents to find other sources of income. In addition, landmark events in 1999 had included the Global March Against Child Labour, the adoption of Convention No. 182 and increased momentum in ratification of ILO core standards. The Director-General of the International Labour Office had decided to restructure children's activities at Headquarters and in the field, by combining the introduction of standards, supervision, law, research and consciousness-raising in a single programme and to allocate additional resources to IPEC on top of donor contributions. Steps had also been taken to improve the quality and efficiency of programmes.

7. IPEC's main objective was the universal ratification of Convention No. 182 (half of ILO membership by the end of 2001). To date, only six countries had ratified it, namely, Botswana, Ireland, Malawi, Seychelles, Slovakia and the United States of America. At the same time it would make efforts to increase the number of ratifications of the Minimum Age Convention (No. 138) and to improve the quality of the programmes, generously financed by a wide spread of donors. IPEC would endeavour to cooperate more closely with other ILO services and programmes and with United Nations agencies, including UNICEF, UNDP, the World Bank, UNESCO, UNFPA, WHO, UNAIDS and WFP. It would also collaborate with employers' and workers' organizations and with coalitions of non-governmental organizations. It was with the assistance of all its partners that it would be able to eradicate the worst forms of child labour and obtain tangible results for children.

8. Ms. WOLL (Save the Children) introduced the Convention on the Rights of the Child Impact Study, which had been prepared in 1997 for the tenth anniversary of the Convention. It concerned six countries: Ghana, Yemen, Peru, Nicaragua, the Philippines and Sweden. Its objective was to identify the specific impact of the Convention on Governments, NGOs and other components of civil society, in other words to ascertain whether their activities had evolved since the adoption of the Convention. The authors had based the study on countries situated in different parts of the world, whose religions and cultures were also different, and had taken care to include a developed country since what was at stake was not to make an example of the poor countries but to advance children's rights everywhere in the world. While for reasons of

convenience the study had been carried out by the branches of Save the Children in the United Kingdom and Sweden, it did not only represent the viewpoint of that organization but of all the associations for the defence of children's rights in the countries considered. The relevant data had been collected directly on the spot by consultants. Unfortunately, it had not always been possible to trace the activities undertaken to implement the Convention, since very little written material existed and that had been the main obstacle to carrying out the study.

9. The main conclusions were: overall, the Convention was little known or understood and it was not clear what children's rights encompassed. It was also apparent that both Governments and NGOs had failed to initiate activities to promote the Convention. Naturally, the political context in each country was a contributory factor, particularly when human rights violations were rife or when a country was emerging from civil war. Generally speaking, countries were reluctant to admit children as participants in society with their own rights.

10. One of the main obstacles that the ratification of the Convention had not been able to remove to any great extent was the inadequate participation of children in society. Children's congresses or parliaments were still few and far between. There was a need for in-depth reflection on what such participation could and should be.

11. Furthermore, although four of the six countries studied had, after ratifying the Convention, undertaken the reform of their legislation and established a central body responsible for children's issues or an ombudsman-type structure, dialogue with the Committee had remained remote from the public scene. The Committee's reports and concluding observations had too limited a distribution in the public service and vis-à-vis the authorities both in capital cities and - as was even more obviously to the point - locally.

12. Just as worrying was the lack of locally mobilized resources when it was at that level that the majority of initiatives on behalf of children were conducted.

13. One of the positive conclusions of the study was that the NGOs had taken the Convention on the Rights of the Child very seriously. It could even be said that the ratification of the Convention had led to much greater awareness within NGOs than within Governments, although that was not necessarily an advantage since NGOs carried far less weight than Governments in terms of ensuring the follow-up of the implementation of the Convention or influencing decision-makers and law-givers.

14. A closer link was needed with other members of civil society - religious organizations, university institutions or professional groups; if they were more aware they would be able, in association with the NGOs, to bring pressure to bear in public debate so that the situation in the field would progress.

15. More substantial support should be sought from the international community - intergovernmental organizations, financial institutions and donor countries. Although the rights of the child might be perceived rather differently from one country to another, all countries nevertheless claimed to be interested in helping to implement the Convention, whether in the form of finance or of technical assistance. Sweden had recently set an example by considerably increasing its aid contribution in that area.

16. Mr. FULCI, noting that the document distributed by the International Labour Office called on parliamentarians to speed up the ratification process, pointed out that the only means of influencing the decision-makers, in his opinion, was to send experts to each country's capital to meet them personally and encourage awareness of their responsibilities.

17. Mrs. KARP congratulated Save the Children on its study but was concerned by the results it presented and wondered whether any positive conclusions at all could be drawn from it.

18. Ms. WOLL (Save the Children) thought that three of the conclusions of the study were positive. Firstly, the six countries concerned had made efforts to implement the Convention, although five of them were poor countries; secondly, it emerged that UNICEF had been able to assume a genuine leadership role, contrary to what might have been feared in 1996 when the study was initiated, showing that it had reacted positively; thirdly, the NGOs, isolated in their work though they were, had very actively committed themselves to implementing the Convention.

19. Ms. MILLER (UNICEF) drew Committee members' attention to UNICEF's annual report, to the new version of its information kit on children's rights and to the General Assembly resolution concerning the special session which would be held in 2001; she mentioned the participation of the Committee on the Rights of the Child in the preparatory work for the special session and drew attention to the draft programme of work of the first preparatory meeting.

20. Mr. STAHLHOFER (WHO) said that two WHO documents of interest to the Committee in the process of finalization would be transmitted to the Committee at its next session, namely, a guide to the drafting of reports to be used by WHO staff and an information kit on children's right to health.

21. A training course on children's rights activities developed by WHO staff was currently enjoying major success at WHO Headquarters and in the near future similar courses would take place in at least three regional offices.

22. WHO officials would soon be travelling to India and Bhutan to study means of how best to implement the recommendations the Committee had addressed to those countries. In its concern to strengthen collaboration with the Committee, WHO would also continue to search out partners among its field staff who could collect national data and help Governments to prepare reports for the Committee.

23. WHO further intended to collaborate with ILO on the repercussions of work on children's health and had already incorporated the issue in its programme of work.

24. Ms. COHEN (Office of the Special Representative of the Secretary-General for Children and Armed Conflict) informed the Committee that she could make available the Special Representative's recent report to the General Assembly on his activities in the last few years and the report on his mission to Sierra Leone in September 1999. She also drew the Committee's attention to resolution 1261 adopted by the Security Council in August 1999, which reflected its concerns regarding the repercussions of armed conflict on children. She stressed that the

resolution urged both States and peacekeeping forces to take children's rights into account and requested the Secretary-General to ensure that peacekeeping forces received training on the rights of children.

25. In the resolution, the Security Council requested the Secretary-General to submit to the Council by 31 July 2000 a report on its implementation, consulting all relevant parts of the United Nations system and taking into account other relevant work. Comments by the Committee would be welcome.

26. The Office had taken active steps to incorporate children's rights in the terms of reference of its peacekeeping operations, particularly in Sierra Leone and the Democratic Republic of the Congo, and in collaboration with UNICEF and the Office of the United Nations High Commissioner for Human Rights had ensured that the personnel responsible for the operations included senior level advisers on children's issues.

27. Mr. DOEK asked about the coverage of the Security Council's current activities concerning the AIDS epidemic in Africa. He also requested written information on the changes to the International Programme on the Elimination of Child Labour (IPEC). He wished to know what steps IPEC was taking, in countries in which its activities were reaching their conclusion, to ensure the sustainability of the actions undertaken and whether such actions were subsequently the model for other projects. In India, for example, the IPEC project concerned only 80,000 children and it would be desirable to expand it.

28. Mrs. SARDENBERG asked the representative of ILO whether, in order to optimize cooperation with the Committee, information transmitted to it by IPEC concerning countries whose reports were pending consideration could be more specific, particularly with regard to the state of progress of IPEC projects in the countries in question.

29. She would also like to know in which countries the rights of children were an integral part of peacekeeping programmes, since she considered it to be a very constructive development. She noted with interest the study sponsored by Save the Children and invited the latter to continue its work; in that regard she would like further details about criteria governing the selection of the six countries used in the study.

30. Mr. FLEET (UNAIDS) said that at a recent meeting on the problem of AIDS in Africa, the Security Council had for the first time seen a threat to the safety of mankind in a health problem. In their statements, the Secretary-General, the Vice-President of the United States, the President of the World Bank and the Administrator of UNDP had put emphasis on the distressed situation of children and orphans in Africa and the need to come to their rescue. During the meeting many speakers had welcomed the announcement by the United States Government of additional financing for Africa (bringing total financing to 335 million dollars) and had paid tribute to UNAIDS and the International Partnership against AIDS in Africa for their action. UNAIDS would keep the Security Council informed of developments in the situation in Africa, since the Council had expressed its intention of coming back to the question.

31. Mr. ROSELAERS (ILO) said that the Worst Forms of Child Labour Convention would come into force on 19 November 2000.

32. A summary of the changes which had taken place in IPEC's structure would be sent to the Committee.

33. Where the continuation of IPEC's activities in India was concerned, stress would be placed on eliminating the worst forms of child labour in the various States and at the federal level. Given the extent of the phenomenon of child labour in India - 40 to 50 million children could be involved - IPEC did not intend to do more than carry out pilot studies. It could probably expand its action, however, and ensure some degree of sustainability in its activities by adopting a global approach, based on child education, the creation of income-generating activities for parents and general consciousness-raising by means of large-scale campaigns.

34. There was no regular cooperation between IPEC and UNESCO on educating children who had formerly worked but IPEC for its part was supervising the integration of young children in a school environment and the provision of vocational training for older children.

35. The desire for still better cooperation between IPEC and the Committee would be taken into due consideration.

36. Ms. WOLL (Save the Children) said that in the context of the study she had carried out her organization had endeavoured to select countries that were representative of different geographical, cultural and economic situations. Since the idea had also been to ensure interaction and follow-up, each country had had the opportunity to submit a report and had been the subject of conclusions and recommendations. As things stood there were no plans to continue the study.

The discussion covered in the summary record ended at 5.10 p.m.

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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-third session

SUMMARY RECORD OF THE 593rd MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 13 January 2000, at 10 a.m.

Chairperson: Mrs. OUEDRAOGO

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CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of Sierra Leone

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

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GE.00-40276 (E)

The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 6) (continued)

Initial report of Sierra Leone (CRC/C/3/Add.43); (CRC/C/Q/SIE/1; written replies to the list of issues prepared by the Government of Sierra Leone (document without a symbol distributed in the meeting room in English only))

1. At the invitation of the Chairperson, Mr. Brima, Mr. Sesay, Mrs. Juxon-Smith and Mrs. Howard (Sierra Leone) took places at the Committee table.

2. Mr. BRIMA (Sierra Leone) said that his country had ratified the Convention on the Rights of the Child in 1990 and had submitted reports on children's issues to the Security Council. He was confident that the Committee' s observations would be instrumental in enabling the authorities to provide a better life for the children of war-torn Sierra Leone, who had endured untold misery resulting from nine years of armed conflict and, especially, the invasion of Freetown a year before.

3. There had been a steady and encouraging improvement in the situation since the Government had submitted its written replies to the list of issues. With the signing of the 30 July 1999 Peace Agreement by President Alhaji Ahmed Tejan Kabbah and the chief of the rebel Revolutionary United Front, a Government of National Unity, including representatives of the former belligerents, had been put in place, and the peace was monitored by United Nations peacekeepers. The improvement in the situation had prepared the ground for implementation of the Convention.

4. With the cessation or abatement of the systematic killing, abduction, amputation, rape and recruitment of child combatants, and with former faction leaders' promises to allow the Government and other agencies access to thousands of abducted children, interested parties could begin family tracing and reunification and more effectively implement the Convention.

5. Another positive outcome of the cessation of hostilities was the Government's ability to enhance its education and health action. In education, a start had been made on refurbishment or rebuilding of schools, to which educational materials had also been distributed. As new areas opened up, more children would be able to receive the free education introduced for classes 1 to 3.

6. There had also been accomplishments in health. There had been a 95 per cent success rate for the third round of national immunization days, celebrated in December 1999 with assistance from the United Nations Children's Fund (UNICEF), the World Health Organization (WHO) and other agencies and individuals. A further measure of the campaign's success was the support it had received from former rebel leaders. Hospitals and health centres continued to be refurbished, and drinking-water wells were being dug and chlorinated.

7. Great strides had been made in the HIV/AIDS prevention campaign, with young people being addressed on the subject of the epidemic at football matches and the distribution of free condoms to players and spectators alike. The National AIDS Control Programme would soon be conducting awareness activities in the provincial towns of Bo and Kenema.

8. The CHAIRPERSON invited Committee members to ask questions on general measures of implementation, the definition of the child and general principles.

9. Mr. RABAH asked what steps were being taken to rebuild physical infrastructure, subject to the resources available. More importantly, what measures were in place to rebuild human beings? He recommended that the authorities should enact legislation to ensure harmonization of the country's extensive system of customary laws with the provisions of the Convention. Was there any provision for coordination between the Ministries of Social Welfare, Health and Education?

10. Mrs. EL GUINDI, observing that many children had been involved in the armed conflict, inquired about the exact minimum age for voluntary enlistment, and how the rights of children were protected in the enlistment process.

11. Mr. FULCI expressed awareness of the extreme difficulties facing the Government of Sierra Leone and dismay at the level of atrocities committed against children. The Convention required that, when families were unable to protect the best interests of their children, responsibility for doing so fell to the State. However, Sierra Leone appeared to have neither a reliable guiding policy governing displaced persons nor a coordinating body, a state of affairs which could only impede work in favour of children in camps. He recommended that such a policy should be formulated as a matter of urgency.

12. Mrs. MOKHUANE asked whether any legislative reforms had been undertaken, and what had been the fate of the draft Rights of the Child (Adoption of United Nations Convention, 1989) Act prepared by the Sierra Leone Bar Association. Countries confronting the serious challenges facing Sierra Leone were prone to adopt a needs-based approach. Was progress being made in the transition to a rights-based approach?

13. Was the National Programme of Action (NPA) established in 1992 currently being implemented? If not, what were the stumbling blocks? Strengthening of facilities had understandably been derailed by the war. She asked what structures or programmes existed for poverty alleviation, education and health, now that the hostilities had ceased, and what obstacles lay in their way.

14. Mr. DOEK asked how the Government was organizing coordination to ensure the implementation of the Convention. He requested further information concerning the precise role of the National Commission for Democracy and Human Rights vis-à-vis the National Council for Children, the independent body established by UNICEF which seemed to enjoy wide powers of enactment and enforcement. As the Ombudsman's duties did not extend to children's issues, how was the implementation of the Convention monitored? Sierra Leone being a small county,

most operations were understandably centralized in the capital, Freetown. What plans were there for devolving some of those activities to the regions? With regard to birth registration, he asked what results had been obtained from the Government's encouragement of parents to register children within one month of birth.

15. Mrs. RILANTONO, pointing out that Sierra Leone was still beset by infectious diseases that led to child deaths, asked how the health system conducted its immunization campaigns, which were of crucial importance if children were to survive diseases such as tetanus, typhoid and diarrhoea.

16. She noted that programme activities for children depended on international funding. However, the written replies stated that many international non-governmental organizations (NGOs) operating in Sierra Leone failed to register with the Department of Development and Economic Planning (DODEP), in violation of the pertinent regulations. What were the Government's specific requirements in that regard? While NGOs should be encouraged, it was also necessary to ensure that they developed and implemented their programmes effectively.

The meeting was suspended at 10.40 and resumed at 10.50.

17. Mr. BRIMA (Sierra Leone), replying to a question by Mr. Rabah, said that a Commission of Reconstruction, Rehabilitation and Resettlement had been established and was headed by a commissioner with cabinet rank. Although all ministries cooperated, it was the Ministry of Social Welfare and Gender and Children's Affairs which was responsible for the rehabilitation of destroyed buildings, and, with assistance from UNICEF and the National Council for Children, for contacting children displaced by war in an attempt to reintegrate them into society. Children whose families could not be located were placed in institutions by that Ministry. Replying to Mrs. El Guindi, he said that 18 had been established as the new age for army recruitment.

18. Mrs. JUXON-SMITH (Sierra Leone) said that many children in Sierra Leone had been abducted or were internally displaced. The newly established National Child Protection Committee, made up of representatives of the Government and NGOs, of which she was a member, was doing its best to tackle that problem by visiting camps for internally displaced persons in order to register children, attempt to trace their families and arrange foster care or other special care where appropriate. A draft bill entitled "The Rights of the Child (Adoption of United Nations Convention, 1989) Act" had been tabled but was taking a long time to go through Parliament. Implementation of the Plan of Action had been delayed because of the war in the country. Nonetheless, continuous efforts were being made to implement some programmes on a small scale whenever peaceful conditions persisted for long enough. The current situation of relative peace had resulted in certain positive developments: some children who had been held by the rebels had been released, and efforts were being made to secure the release of all those still in captivity.

19. Regarding coordination mechanisms, the National Child Protection Committee included regional and district branches which conducted activities at grass-roots level. The regional officers reported to the Committee's national headquarters every month, enabling child-related activities to be coordinated at the national level. With UNICEF's assistance, a database had been set up containing information on the situation of children throughout the country, with the

exception of unsafe areas to which the Committee had no access. It hoped eventually to gain access to all areas of the country. The National Commission for Democracy and Human Rights (NCDHR) took part in monitoring the implementation of children's rights. The possibility of instituting an ombudsperson for the same purpose was mentioned in draft legislation, but had not yet been implemented because of the country's security situation.

20. Mr. BRIMA (Sierra Leone), responding to a question by Mr. Doek, said that registration of births was taken very seriously. There was a national office for the registration of births and deaths situation in Freetown, and a number of subregional offices located outside the capital. It had been decided that every child born must be registered and, in order to make that possible, registration forms had been distributed to the traditional birth attendants at village level and to child health workers and doctors. Chiefs had also been made aware of the need for registration. The country was still very far from a situation where the exact age of every child was known, and progress towards that end had been hampered by the war; however, efforts were being made to ensure that in future every birth was registered.

21. Mrs. JUXON-SMITH (Sierra Leone), replying to a question about planning and programming, said that the Department of Development and Economic Planning was responsible for registering NGOs and coordinating their activities. Some organizations were working without being registered, which was a problem that needed to be addressed. Coordinating activities was sometimes difficult if an organization ended up working in areas outside its original mandate and the Government had lacked the resources to monitor activities. However, policy was to be revised in order to deal with some of those concerns. Joint efforts were necessary to develop a coordinated approach to serving the interests of children.

22. Mrs. MOKHUANE, noting that the report stated that only 5 per cent of the national budget was allocated to child-related issues, asked whether that figure had changed since the completion of the report and, if not, how the proposed measures for implementing children's rights were to be achieved on such a limited budget. Substantial human resources were needed to implement the Convention, yet many professionals had left the country: how was that problem to be overcome within the available budget?

23. Regarding the definition of the child, the report gave no indication of the age of sexual consent or the minimum age for marriage, and there was therefore a discrepancy between customary law and the Convention. It had been said that information from relatives was used for assessing the age of the child; however, given the high illiteracy rate, how was it possible to be certain that the child's estimated age was correct? The high rate of malnutrition was likely to lead to many cases of stunted growth, which also made it more difficult to assess a child's age. The problem of determining a child's age was relevant to the age of criminal responsibility and the age of marriage.

24. The report had indicated areas of discrimination against the girl child. Early marriage and sex at an early age could be harmful to girls. She would like to know whether the Government intended to bring the minimum ages for marriage and sex into line with the Convention.

25. Mrs. EL GUINDI echoed Mrs. Mokhuane's concerns about discrimination against the girl child.

26. Mr. RABAH said that the age of criminal responsibility, 10 years, was very low. Corporal punishment of children, both in the family and in school, could cause physical and psychological harm. He would like to know whether the Government planned to enact any legislation to outlaw such punishment.

27. Mr. DOEK, referring to the written reply to question 19, asked for a specific example of a measure that had been taken to combat discrimination against the girl child and how effective it had been. He would appreciate further information about the current situation of disabled children in Sierra Leone. What progress had been made in implementing the policy of integrating disabled children into mainstream schools?

28. Mr. BRIMA (Sierra Leone), replying to Mrs. Mokhuane's question on budgetary resources, said that Sierra Leone was currently suffering extreme poverty because its natural resources of diamonds, gold, coffee and cocoa had for a long time been under rebel control. The country was therefore dependent on international assistance, for example from NGOs and United Nations agencies. He agreed that the figure of 5 per cent of the national budget allocated to children's issues was too low; however, the health budget had already been increased in the current year, and the Government intended to implement increases in other budget areas once the situation in the country had returned to normal.

29. It was true that some professionals had fled the country because of the war. However, as many others had stayed and substantial aid had also been received from international organizations, the situation was not as bad as might be supposed.

30. Although no minimum age for marriage was stipulated by law, a person still had to be considered "of age" in order to marry. As many people were illiterate, however, they relied on traditional ways of establishing a child's age, such as reference to events in the child's past. A sensitization campaign was under way to make traditional rulers aware of the need to ensure that children had come of age before marrying. In addition, a new education policy was in place, aimed at increasing school enrolment rates, particularly among girls. It was well known that education had the effect of delaying marriage because it raised children's aspirations in other areas of life. In the immediate term, efforts were being made to ensure that all births were registered so that there would eventually be a whole generation of children whose dates of birth were known, and it would therefore be possible to enact meaningful legislation on the age of marriage.

31. Mrs. JUXON-SMITH (Sierra Leone) said that children in her country did not suffer discrimination on any grounds, such as their place of birth or parents situation. Girls were being encouraged to go to school, whereas in the past they had been expected only to perform domestic chores. The Forum for African Women Educationalists was at the forefront of the campaign to raise awareness of the importance of sending girls to school. Girls who had been to school were used as role models to demonstrate to others what girls could achieve through education.

32. Mr. BRIMA (Sierra Leone) agreed that the age of criminal responsibility was too low and said that the issue would certainly be taken into consideration when future legislation was drafted. Corporal punishment was not widely applied nowadays; in schools, no teacher except the principal was allowed to mete out corporal punishment, and only female teachers were allowed to use it towards girls. In the home, it was no longer common practice, although two cases of cruelty to children had recently been brought before the courts.

33. There were many schools for the disabled in Sierra Leone, which were supported by the Government. Integrating the disabled into mainstream schools was a long-term aim, but was currently hampered by lack of resources.

34. Mrs. SARDENBERG said that, according to a United Nations document on adults and children abducted by opposition groups, 1,000 such persons had been released but more than 2,000 had still been missing in December 1999. She would appreciate up-to-date information on the situation.

35. Mr. BRIMA (Sierra Leone) said that a representative of the rebels had recently informed the President that all roads to rebel camps had been opened to allow access to children being held behind rebel lines. It was therefore hoped that those children would be released in the very near future.

36. Mrs. KARP expressed sympathy at Sierra Leone's plight. The very difficult situation could, however, act as a catalyst to promote the rights of children in a more effective manner. The most important principle contained in the new ideas reflected in the Convention was that of respect for children's views. The written replies referred to special occasions, such as the International Children's Day of Broadcasting, when children had been provided with an opportunity to express their opinions. However, article 12 of the Convention related primarily to everyday life and to the way in which those in authority who worked with children reflected children's views. The change in attitude manifested by the Government and different professionals created an opportunity to introduce the idea of respect for children's opinions into the new programmes and projects implemented. However, appropriate guidelines and training must be provided for those responsible for children so that children could themselves participate in the new structures established. It was necessary to ascertain whether such training and guidelines had been planned. If children were to become partners in the new programmes launched, they would be able to offer good advice and thereby make the programmes relevant to their needs.

37. With regard to the problem of early marriage, she was pleased to note that Sierra Leone was attempting to educate its people to change their customs. It was important to define the arrangement of such marriages as a criminal offence, as an appropriate definition would serve as a useful enforcement tool to prevent early marriage.

38. Mrs. MOKHUANE said that from the comments made it appeared that Sierra Leone received a considerable amount of funding from donor countries. However, donors frequently wanted their own programmes put in place, and such programmes might clash with those of the

receiving countries. Had Sierra Leone encountered that particular problem and, if so, how had it been overcome? The situation in the country had also required emergency planning. How had that planning been coordinated with long-term programmes and projects?

39. It was important to establish how the principle of child survival and development was coordinated with the eight major sections of the Convention. The efforts made by Sierra Leone to address the related problems of discrimination and disability had been noted. An attempt had been made to change the attitudes prevailing in society, and to move towards including disabled children in mainstream education. It had not been made clear, however, how the rights of such children under the Convention had been incorporated in plans for the future. Similarly, what had been done in society to make parents and ordinary citizens aware of the best interests of children? How had the efforts in question been manifested in children's everyday lives?

40. Mr. BRIMA (Sierra Leone), responding to a question raised by Mrs. Karp, said that in everyday life there was no visible refusal on the part of adults to listen to children. In schools there was free interaction between children and the school authorities, with children serving on different representative bodies. Within the home, children were able to talk freely to their parents on issues affecting their everyday lives. In a similar vein, at the national level, schools in Freetown had debated the appropriateness of the measures to be taken as a result of negotiations with the rebel forces.

41. With regard to legislation to combat early marriage, the suggestions made would be taken into account when the relevant bill was considered in Parliament. Difficulties were being encountered, however, in relation to children's ages, as birth registrations had not been common in the past.

42. Mrs. JUXON-SMITH (Sierra Leone) said that clashes with donors were at times inevitable. Efforts were made to reach a decision that served the interests of children, parents and communities. To that end, it was important to negotiate flexible and sustainable programmes together with the donors. It was hoped to make a gradual transition from the current emergency situation to one of long-term planning. The length of the transition depended on the security situation, which was largely unpredictable. The experience and knowledge gained by other countries which had been in similar situations would be drawn upon in order to make the transition as smooth as possible.

43. The issue of child survival and development was being examined, as was that of the participation of children to enable them to express their views and to become more responsible adults. The children of Sierra Leone had been unable to enjoy their childhood, and efforts were being made to provide them with new opportunities from a rights-based perspective. Strong emphasis had been placed on both formal and informal education, including the provision of useful skills that would contribute to the country's development.

44. Discrimination against disabled children was not a consciously induced phenomenon. Deaf and dumb children were in most cases obliged to attend special schools, but blind children attended ordinary schools. Unfortunately, they faced problems in relation to reference materials such as textbooks. More could still be done in certain institutions that were small in size or where facilities had been destroyed as a result of the war.

45. Mr. BRIMA (Sierra Leone) said that in 1996, when the war had appeared to be at an end, a development plan had been introduced for different sectors. Although disrupted by subsequent conflict, the plan had enabled schools and health centres to be re-established in certain safe areas in the west and south of the country. It was hoped that rebel-occupied areas in the north and east would be reached in time. With regard to the best interests of the child, society in Sierra Leone was based on an extended family system, which meant that children without parents were cared for by other relatives. Owing to that very traditional system, the best interests of children were taken into account in all decisions reached both within the family and at the national level.

46. The CHAIRPERSON invited the Committee members to ask questions on special protection measures, basic health and welfare and family environment and alternative care.

47. Mr. RABAH said that street children existed in all underdeveloped and developing countries. However, the Sierra Leone report had not provided any statistics on that subject. It was important to ascertain how many children were affected. Was there any plan for the effective provision of alternative care for such children?

48. Mr. FULCI, referring to the question of amputee children, said that in a report to the United Nations Security Council, the Special Representative of the Secretary-General on the impact of armed conflict on children had referred to many cases of trauma among young children in Sierra Leone. Given the content of the report and similar accounts contained in the press, it was a matter of the utmost urgency for the Government of Sierra Leone to help amputee children. Rehabilitation and the provision of artificial limbs were essential to enable the children to return to school at the earliest possible juncture.

49. Mr. DOEK, reverting to the problems faced by children as a result of the war in Sierra Leone, said that the report contained no indication of any attempt to prosecute those responsible for the atrocities committed. Although there was a clear need to conduct welfare-based activities for amputee children, it was important to recognize that the rights of such children had been seriously violated. That fact must not be forgotten and those responsible should, where appropriate, be prosecuted in a court of law.

50. Turning to special protection measures, he said that greater attention should be focused on the articles of the Convention which referred to problems existing in Sierra Leone, such as sexual exploitation and torture. He wished to know whether the Government had developed a more comprehensive policy to deal with the situation of the children affected. As Mr. Fulci had said, it was necessary to ascertain what the Government had done as a result of the recommendations made by the Special Representative of the Secretary-General on the impact of armed conflict on children. In other words, had it rehabilitated amputee children or developed programmes for children who had been physically and sexually abused? Information should likewise be provided regarding the demobilization of child combatants and any activities which had been conducted to re-integrate them into society. Finally, the painful and traumatic legacy of the war could be eased by strengthening such projects as the Voice of Children, whereby radio stations and programmes were used to present children's interests and needs and to increase awareness of their situation.

51. Mrs. RILANTONO said that, although children's survival should be given the highest priority, survival should not be separated from development. She was certain that, after nine years of civil war, many children were suffering from psychosocial trauma, and noted that article 31 of the Convention guaranteed children the right to recreational activities. Recreation, as a form of therapy, could compensate for the trauma experienced. Did the Government have any related programmes? The rebuilding of institutions was a long-term effort, but in the interim playgrounds might be provided to help offset the impact of the war on children.

52. Mrs. MOKHUANE stressed the need for psychosocial reintegration of children affected by the war. Policy-making was a commendable starting point, but it seemed that policies were not always carried through to implementation.

53. Sierra Leone faced a number of challenges. Many children no longer knew what normal life was like; for them war was the norm. Some families were reluctant to take children back because of their psychological scars, and some children were seriously challenging the role of parents. There might even be children who would prefer life to continue under war conditions. She would like to know whether programmes gave prominence to reintegration into families, as she had noted a tendency to establish child-care institutions, which in fact bypassed the real problem. It was important to rebuild trust between adults and children and reintegrate children into their families, which was obviously a long-term venture. What had the Government done to boost its pool of human resources, and how could the Committee assist?

54. The CHAIRPERSON, speaking in a personal capacity, asked what steps had been taken in the case of children whose parents had not been located. Had access to inaccessible areas been negotiated, and how were the inhabitants of those areas protected? She would like to know what action had been taken to reintegrate girls who had become pregnant following their stay in rebel camps; were their pregnancies monitored, and were babies born in camps taken care of?

The meeting was suspended at 12.20 p.m. and resumed at 12.25 p.m.

55. Mrs. JUXON-SMITH (Sierra Leone) acknowledged that the number of street children was high. Parents tended to send their children into the streets to beg in order to supplement the in-kind assistance they received in the camps. Schools enabling children to pursue their education existed in camps for internally displaced persons. Organizational assistance was also offered to communities for the same purpose. A street children's programme had been launched in collaboration with the network of child protection agencies and the city council, offering skills training in addition to schooling. A subcommittee emanating from the main child protection committee dealt specifically with issues relating to street children. It designed programmes, monitored the children and offered them general assistance with the aim of reducing their numbers.

56. Children whose families could not be traced came under the responsibility of the Family Tracing and Reunification Programme. Information was collated in a data bank and cooperation took place with child welfare agencies such as UNICEF and the Save the Children Fund and with neighbouring countries. Interim care centres had been set up, especially for former child

soldiers, whom it was extremely difficult to reintegrate into families. It was relatively easy to place children who had never been involved in the war in foster homes; however, while foster families were willing to assist, perhaps because they had lost their own children, they often lacked the means. On the whole the reunification effort had been successful.

57. Mr. BRIMA (Sierra Leone), replying to Mr. Fulci's question about amputees, said that the situation was horrifying. In 1998 the Indian Government had sent a team to Sierra Leone to assist with providing prostheses for amputees, but the January 1999 invasion had brought the operation to an abrupt end. Amputees were kept in camps and were fed and cared for by the Government and NGOs until they were physically rehabilitated, at which point they were sent home.

58. No charges had been brought against the perpetrators of atrocities. A Peace Agreement had been signed between the Government and the rebels, and only time would reveal its success. Meanwhile, the Government's priorities were to repair the ravages of the war, rehabilitate people and restore institutions.

59. Mrs. JUXON-SMITH (Sierra Leone) said that several institutions, including the main child protection committee and the World Council of Churches in Sierra Leone, were collecting data on the situation of sexually abused girls and seeking solutions to the problem. The information gathered was transmitted to the Ministry of Social Welfare and compiled in monthly reports. There was also a subcommittee which designed programmes and questionnaires.

60. Sexual abuse had for years been a taboo subject usually dealt with at the family level. However, since the invasion and reports of schoolgirls being abducted and gang raped, people had become more vocal, a committee had been set up and efforts were being made to sensitize communities and to encourage people to discuss the subject more openly.

61. Mr. BRIMA (Sierra Leone), referring to the demobilization of child soldiers, said that former combatants were taken to special camps where they were disarmed, demobilized and prepared for reintegration into society.

62. Mrs. JUXON-SMITH (Sierra Leone), referring to the use of recreation for trauma healing, said that the Save the Children Fund was spearheading the trauma healing programme. After the 6 January invasion the national stadium had been used as a camp, but efforts were being made to relocate its occupants and to make the stadium available once more for sports. It had been necessary to upgrade the psychosocial manual after the 1999 invasion, and efforts to sensitize the public on health issues and to provide a forum for discussion had intensified. Training had also been offered to teachers and other carers.

63. Much progress had been made in readapting children to society, but experience differed from region to region. In the east and the west, for example, people believed that children had to undergo a cleansing ceremony before readmission into the community. Parents often complied as they did not want to be regarded as condoning their children's wayward behaviour. Once the child was "cleansed" the entire community involved itself in the rehabilitation process.

64. More time was required for the reintegration of children who had fought on the side of the rebels than combatants who had fought to defend their land who had often been involved in an occupation prior to the war to which they could return. The problem of reintegrating former combatants into their families stemmed partly from the fact that the children resisted the authority of their parents, having enjoyed freedom and lack of supervision, and even having been supervisors themselves.

65. Médecins sans Frontières had assisted with training to care for the sexually abused. However, further assistance was needed for training more counsellors. There had always been people willing to help care for children whose parents had not been located, but resources were limited. A list of foster parents was kept and periodic checks carried out to verify that children were in fact attending school.

66. Mr. BRIMA (Sierra Leone) said that negotiations had been carried out with the rebels to allow access to formerly inaccessible areas.

67. Mrs. HOWARD (Sierra Leone) said that the situation of pregnant girls returning to school was unprecedented in scope. Some of the girls had 10-year-old children representing the duration of the war. Counselling, medical care and administrative assistance were provided with support from international organizations. UNHCR had provided 100 scholarships and the Freetown City Council provided assistance for the babies. Adolescent mothers received counselling in accepting their children, whom many of them had rejected. It was hoped that funds would be obtained to assist girls who desired skills training, especially as the problem was expected to worsen in future.

68. Mr. BRIMA (Sierra Leone) said that international assistance in that regard would be greatly appreciated.

The meeting rose at 1 p.m.

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Twenty-third session

SUMMARY RECORD OF THE 594th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 13 January 2000, at 3 p.m.

Chairperson: Mrs. OUEDRAOGO

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Initial report of Sierra Leone (continued)

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GE.00-40300 (E)

The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 6) (continued)

Initial report of Sierra Leone (continued) (CRC/C/3/Add.43; CRC/C/Q/SIE/1: written replies of the Government of Sierra Leone to questions raised in the list of issues (document with no symbol distributed in the meeting room in English only))

1. At the invitation of the Chairperson, the members of the delegation of Sierra Leone resumed their places at the Committee table.

2. Mr. RABAH said he was very concerned about the quality of teaching since, according to the information available, 70 per cent of teachers were not qualified, parents and pupils received no financial help with school fees, and the enrolment rate for girls was extremely low, even at primary level; he asked what the Government intended to do to remedy the situation. He also wished to know whether any rehabilitation programmes had been set up for children who had been involved in armed conflicts; in that connection, he would also like to know if the phenomena of sexual exploitation of children and drug addiction among children could be attributed to the civil war. Lastly, why had the State party not ratified ILO Conventions No. 138, on the minimum age, and No. 182, on the worst forms of child labour?

3. Mrs. MOKHUANE welcomed the laudable efforts of the Government to solve health problems, particularly through the launching of vaccination programmes. However, much remained to be done, particularly given the inadequacy of health facilities, chronic malnutrition - which would require the setting up of food supply programmes - the disparities between urban and rural areas in health matters, the high maternal mortality rate, and housing problems. She was glad to see that there were programmes for the prevention of HIV and AIDS, but wondered whether there were also programmes to prevent the stigmatization of and discrimination against AIDS sufferers and people who were HIV-positive.

4. According to external sources, the principle of free and compulsory primary education was not respected in Sierra Leone. For example, it appeared that children not wearing school uniform because their parents could not afford to buy one had been turned away. Moreover, only private schools appeared to be equipped to receive disabled children. Outside information sources also seemed to contradict the delegation's assertion that the first two years of schooling took place in the children's mother tongue. Lastly, she noted that the lack of statistics made the Committee's task very difficult.

5. Mrs. El GUINDI asked whether steps had been taken to prevent certain traditional practices - particularly female genital mutilation - that damaged the health of children, to reduce the infant mortality rate, which was currently the highest in the world, and to improve primary health care.

6. Mrs. KARP asked if there existed, or there were plans to set up, on the one hand, centres where adolescents could go for advice on typical adolescent problems, particularly with regard to contraception, and, on the other, specialized hospital facilities for children with mental problems.

7. Did the school curriculum cover the rights of the child and peace studies, human rights and human dignity?

8. According to outside information sources, children deprived of their liberty were locked up in the same places as adult prisoners: she would like to know whether there was a mechanism whereby children could lodge a complaint if their right to be held separately from adults was violated. Lastly, did prison staff and police officers receive any training on how to deal with children, particularly in sensitive situations such as cases of sexual abuse?

9. Mrs. RILANTONO said she was concerned to read in paragraph 50 of the initial report that around 95 per cent of the population were unaware of the constitutional duty to ensure the proper control and upbringing of children, and asked what had been done to bring that provision to the public's attention and to change the traditional view of the child in Sierra Leonean society.

10. The CHAIRPERSON joined Mrs. El Guindi in condemning traditional practices that were harmful to the health of children and asked whether the State party was participating in the regional initiative to put an end to female circumcision. Moreover, since traditional medicine and drugs were no doubt being used more than ever in Sierra Leone as it was emerging from a long period of war, and since they could have harmful effects, particularly if taken in high doses, was the State party doing anything to reduce the dangers? Lastly, had it launched any programmes to promote breastfeeding and family planning?

11. She welcomed the setting up by the State party, as part of its reconstruction efforts, of counselling programmes for children exposed to the war, while noting that it was also necessary to ensure that steps were taken to avoid a cycle of retaliation, that professionals working with children were trained in the principles of the Convention and that the necessary action was taken to remove the anti-personnel mines scattered around the territory.

12. Mr. BRIMA (Sierra Leone) said that the shortage of teachers was not due to the lack of training facilities. In fact, the country had six teachers' training colleges, five of which trained primary teachers. The shortage revealed by the statistics was explained by the exodus of teachers during the war, and they were expected to return.

13. Mrs. JUXON-SMITH (Sierra Leone) said that rehabilitation programmes for children traumatized by the war had been set up with the help of the United Nations Children's Fund (UNICEF). Children taken into care for that reason were examined to assess the after-effects from which they were suffering and to determine in what kind of institution they could best be placed. The ultimate objective was, of course, to reintegrate them in the community once they had been helped with their psychological problems. The process was long and difficult and sometimes resisted by the children, but some success had already been achieved.

14. Mr. BRIMA (Sierra Leone) said that the war had been a factor in driving children to turn to drugs. Before the conflict, drug addiction had been very localized and not very widespread. A cabinet committee had recently been set up to consider ways of combating that growing plague. The committee was chaired by the Minister of the Interior and attended by representatives of the ministries of health and education and various non-governmental

organizations (NGOs). Measures had been taken to attack the problem at source: the Government was using various incentives to encourage cannabis-growers to plant substitute crops.

15. Mrs. JUXON-SMITH (Sierra Leone) added that many NGOs were carrying out preventive work with children, including visits to schools to talk about the harmful effects of drugs. At the same time, inspections and crackdowns were being carried out by the police.

16. Mr. BRIMA (Sierra Leone) admitted that the statistics on child labour were alarming but pointed out that it was difficult to enforce legislation on the minimum age in an essentially agrarian economy where, by tradition, all family members worked in the fields.

17. The authorities were determined to restore the previous levels of vaccination coverage, which had been at 75 per cent before the war; they had therefore launched a campaign for vaccination against poliomyelitis in December 1999. Three hospitals were functioning in Freetown. Workshops on reproductive health were organized for midwives and traditional practitioners with a view to reducing maternal mortality. The number of HIV-infected people in Sierra Leone was relatively low, but the authorities were keen to prevent the epidemic from spreading and had called on religious leaders to take over the awareness-raising campaign in different parts of the country. They were also trying to oppose the practice of female circumcision while respecting the customs and traditions of the people.

18. Much of the work to help farmers before the war had been completely cancelled out by the rebels. International organizations had played a big part in supplying foodstuffs to rural populations and the Government was trying to increase the self-sufficiency of those populations by distributing seed to them.

19. The schooling of children, particularly those who had been displaced because of the conflict, still posed major problems. Teachers had been encouraged to work in teams, teaching half of the children in the morning and the other half in the afternoon. Most of the schools in Sierra Leone were State-run. Teaching was in English but classes were also given in the various regional languages. An educational adviser was to be provided for each school and adolescents had access to appropriate guidance. Moreover, the National Human Rights Commission had developed a course of peace studies that was given in schools and a textbook on peace studies had been widely distributed to communities in the country. Lastly, it was planned to integrate the principles of the Convention in the school curriculum.

20. Mrs. JUXON -SMITH (Sierra Leone) said that juvenile offenders were tried by special courts and placed in separate prisons. However, there were some gaps in the judicial procedures applicable to minors. For example, minors were not always tried as quickly as they should be and children who were arrested were sometimes held in custody by the police. Unfortunately, some parts of the child protection network set up by NGOs to ensure that no child stayed in a police station had broken down as a result of the war and its work was currently focused on the western region of the country.

21. Mr. BRIMA (Sierra Leone) said that domestic sexual violence, including incest, was the subject of strong social disapproval and was therefore not very widespread. Children rarely complained about being subjected to violence in the home.

22. Around 95 per cent of the population did not know the Convention existed and activities to publicize it at the beginning of the 1990s had had to be abandoned because of the war; the Sierra Leonean Government was seeking help in that area from the international community and the Committee in particular. However, domestic legislation did contain provisions to punish violators of children's rights.

23. The authorities were trying to reduce reliance on traditional medicine and to ensure that all citizens had access to a health centre within less than 10 kilometres of their home.

24. Mrs. JUXON-SMITH (Sierra Leone) said that malnutrition among women often made breastfeeding difficult but a programme to encourage breastfeeding was running in the country's hospitals and food supplements were distributed to mothers.

25. Mr. BRIMA (Sierra Leone) said that the Government was putting the emphasis on family planning programmes that encouraged people to have fewer children so that the rights of each child, particularly the right to education, could be better assured. Since the signing of the peace agreements, a wide-ranging national reconciliation campaign had been launched and courses on democracy and human rights had been prepared for schools. The authorities were also busy de-mining the territory on the basis of information supplied by the rebels on the location of anti-personnel mine fields.

26. Mrs. KARP stressed that human rights education, particularly in the case of the rights of the child, was a complex task for which teachers had to be trained; the preparation of school textbooks was not enough. In that respect, she asked whether the Sierra Leonean authorities intended to organize workshops on how to teach the rights of the child. Given that teachers' salaries were very low, she would like to know whether measures had been taken to encourage teachers to go to the regions where they were most badly needed.

27. On the question of violence within the family, she asked how support was given to children who were victims of such violence and whether there were refuges for battered wives and a law to punish marital violence - which often went hand-in-hand with violence against children.

28. Was it true that juvenile offenders were only tried by special courts up to the age of 17, and not 18 as required by the Convention? Were there any plans to raise the age of criminal responsibility, which was currently 10 years?

29. Mr. DOEK asked whether children awaiting trial received legal assistance and, if so, on what conditions. He also wished to know if there were any checks on the behaviour of the police towards street children and if any attempt was made to establish a distinction between abandoned children and young offenders. Lastly, what became of orphans, particularly those who were not placed in foster families?

30. Mrs. MOKHUANE asked whether measures had been taken to meet the psychological, social and emotional needs of adolescents, and whether such services were to be provided in schools. She would also like to know more about the situation with regard to suicide.

31. Mrs. EL GUINDI stressed that the Government should take the lead in eliminating harmful practices such as female circumcision and in changing people's attitudes.

32. Mr. BRIMA (Sierra Leone) said that the Government needed outside help to organize training activities. Arrangements had been made to train teachers and raise their awareness. Their salaries had been increased and compensation should again be paid to those working in remote regions.

33. With regard to incest, criminal sanctions were reinforced by public opprobrium. Special training activities were going to be organized, including on the reception of sexually abused children. Moreover, violence in couples, and more particularly violence against women, was condemned and discouraged both by the State and by society.

34. Mrs. JUXON-SMITH (Sierra Leone) said it was still rare for women to admit they were the victims of violence. However, attitudes were beginning to change and some women were lodging complaints, especially when they were injured. Efforts had been made to raise awareness in that area.

35. Legislation on juvenile justice was in conformity with the provisions of the Convention. Children under the age of 18 were taken before a children's court. As for the age of criminal responsibility, which was set at 10 years because it was thought that a child of that age was able to understand the difference between lies and the truth, the possibility of raising it could be envisaged.

36. Orphanages did exist but the Government tried to limit the number of them as it preferred to have children placed in foster families. Also, it had been found that several of those establishments had exaggerated the number of children in their care so as to take unfair advantage of the distribution of food rations. Nonetheless, there were few children in orphanages and everything was done to find foster families.

37. Mr. BRIMA (Sierra Leone) said that adolescents had free access to medical services in schools. Suicide did not appear to be common.

38. The Government considered female circumcision to be an abominable practice in many respects and many people no longer subscribed to it; the custom would eventually be eradicated thanks to a common desire to move towards a better future.

39. Mrs. JUXON-SMITH (Sierra Leone) confirmed that children had the right to legal assistance. Where minor offences were concerned, the matter was dealt with in the family. In more serious cases, when the matter went to court, the child was assisted by a counsel and the Office of Social Affairs followed the trial. As for children arrested in the street, a distinction was made between those who could return to their family environment and real street children.

40. The CHAIRPERSON asked what steps had been taken to let the general public know about the delegation's appearance before the Committee at the current session and whether the content of the discussions would be made public before the concluding observations were published.

41. Mrs. KARP said that, with regard to female circumcision, Sierra Leone could follow the example of Nigeria, where traditional ceremonies were still held but the act of circumcision itself was not practised. She asked where adolescents not attending school could turn for advice.

42. Mrs. RILANTONO asked what progress had been made in health-service reform and whether the vaccination campaign would make satisfactory coverage possible.

43. The CHAIRPERSON asked what steps the Government intended to take to help children not able to attend school, especially to stop them from getting into trouble because they had nothing to do.

44. Mrs. HOWARD (Sierra Leone) said that the NGOs who had helped to prepare the report had carried out some awareness-raising activities, including in weekly programmes on national radio, which unfortunately did not cover the whole country. Other activities were going to be organized in schools.

45. Mr. BRIMA (Sierra Leone) said that, given the time available, there had been very little publicity about the delegation's trip and that budgetary constraints had prevented more representatives from ministries from making the trip. In any case, the delegation would make sure that the outcome of the discussions was reported when it returned home.

46. Children not attending school were either busy helping their parents on the farm or else receiving occupational training. Moreover, there were plenty of role models in society for children to follow, and they usually turned to their elders (parents, employers) for advice.

47. As for health-sector reform, the country had a comprehensive policy, which was being implemented within the framework of a national programme of action supported by the World Bank. Medical services had been completely restructured and representatives of the World Bank had come to assess the needs and determine what action should be taken.

48. A committee that included parliamentarians, former ministers and representatives of international organizations such as UNICEF had been set up to promote the national vaccination campaign. High-profile awareness-raising activities were being organized, and the Head of State, ministers and former rebel leaders, in a spirit of solidarity, took part in them.

49. Mrs. JUXON-SMITH (Sierra Leone) said that programmes for youngsters not attending school were provided by NGOs and ministries in various communities.

50. Mrs. MOKHUANE asked for information on the decentralization of services.

51. The CHAIRPERSON asked how the Convention was perceived, particularly with regard to the need to make the child a subject of law, and if the provisions of the Convention could be easily incorporated in legislation.

52. Mr. BRIMA (Sierra Leone) replied that it should not be a problem, as recent experience showed that the country needed such legislation. In that connection, many mechanisms had been set up to defend the rights of all persons, not just children, including a commission for democracy and human rights. Generally speaking, the Convention had been welcomed in the country as many of its provisions were in line with the way of thinking, cultural traditions, legislation and Constitution of the country. Moreover, the Government was trying to revamp local government, as it was aware of the need to decentralize services, including in the areas of health, education and counselling.

The meeting was suspended at 4.55 p.m. and resumed at 5.05 p.m.

53. Mr. RABAH encouraged the Sierra Leonean Government to work on rebuilding infrastructure and institutions, communicating with children and giving them confidence in the educational system, amending the laws so as to change people's way of thinking and establishing coordination between the various ministries concerned. The Government should decentralize and guarantee the provision of children's services.

54. He expressed concern about discrimination against women and girls. With regard to juvenile justice, it was important to separate young offenders from adults in prisons. The Government should seek alternatives to prison for them. Judges, lawyers and social workers should receive training in the form of meetings or workshops on children's rights, as children were in fact society's victims.

55. Mr. FULCI said that the international community as a whole had an important duty towards the children of Sierra Leone. As President of the United Nations Economic and Social Council, he had revived the proposal for the United Nations to set up a recovery programme for Sierra Leone similar to the one for Haiti, in order to ensure the effective coordination of measures taken by the Government and various organizations.

56. Once peace was restored to Sierra Leone, the Government should start work on three major tasks: firstly, it should ensure the social rehabilitation of kidnapped children, resolve the problem of children who did not know who their families were and take care of young children who had had a hand amputated. Obviously, the international community would support those efforts. Secondly, in the area of education, the vast majority of children who wanted to go to school should be enabled to do so. Lastly, more basic health services should be provided for children, since, along with education, health was one of the driving forces behind any national development policy.

57. Mrs. MOKHUANE welcomed the Government's efforts to implement the Convention despite the particularly difficult economic, political and social conditions in Sierra Leone. The establishment of a government of national unity was welcome.

58. It was essential for Sierra Leone to implement the Convention and the fact that quite a few emergency assistance projects and plans had been set up was definitely to be welcomed, particularly in the sectors of health, education, social welfare and juvenile justice.

59. Nevertheless, the Sierre Leonean Government would be facing some difficult tasks in all areas: promulgating laws to ensure recognition of the rights of the child, or speeding up that procedure, allocating resources to the most vulnerable groups in the population (children), coordinating services, managing and providing services, establishing a culture of respect for the rights of the child, strengthening the weak health and educational systems, bringing the juvenile justice system into conformity with the relevant provisions of the Convention, extending the participation of children, taking into account developments in children's abilities, and harmonizing the legal system with the Convention.

60. Mrs. KARP said she hoped that the peace would be lasting and that the new institutions and structures that would have to be set up would serve as a foundation for change guided by the principles of the Convention.

61. The Government should appeal to the international community for help in increasing the country's capacities in counselling, social action and infrastructure. A long-term vision would be needed once peace was restored, to set up facilities for children suffering from mental and psychological problems. In the meantime, the Government should find ways to provide psychological support to children outside the priority groups taken care of by NGOs.

62. The Government should also appeal for international help in connection with training in human rights and the rights of the child, and should turn to the various mechanisms of the United Nations system. Special training in how to deal with sexual offences should be introduced for police officers and other law-enforcement officials. Moreover, the issue of the criminal responsibility of children should be tackled from the perspective of social welfare rather than punishment.

63. Decentralization should be encouraged, as action to advance the rights of the child was more effective at the local level.

64. Mrs. RILANTONO welcomed the excellent cooperation between the Government and national NGOs, which was a very promising sign. It was important not to ignore the human aspect in the context of current and future globalization.

65. The Government should possibly go further with deregulation so that it could focus on policies, management and guidelines.

66. She recommended that a single mechanism should be set up to coordinate and manage the development and implementation of State policies in the area of the rights of the child. She encouraged the Government to consolidate its links with the various participants involved, and to draw up a cabinet-wide strategy for the protection of children.

67. Given the shortcomings of the health services, it would be necessary to repair the national health infrastructure and to ensure access for all to those services, including in rural areas.

68. The CHAIRPERSON stressed that Committee members were fully aware of the obstacles facing Sierra Leone and were confident of the Government's commitment and desire to rebuild the country and implement the Convention. She was glad to see an NGO representative in the Sierra Leonean delegation. In view of the current situation in Sierra Leone, the multidisciplinary nature of the Convention made it a tool that could make a big contribution to the development and reconstruction of the country.

69. Changing attitudes towards children should be taken into consideration by the Government, which should treat them as subjects of law. She recommended that it should pursue its activities in the psychological and social sphere, include a policy of peace and tolerance in its programme and keep democracy, respect for human rights and children at the heart of it.

70. She called upon the Government of Sierra Leone to ratify as soon as possible the amendment to article 43 of the Convention that had been adopted by the General Assembly of the United Nations.

The meeting rose at 5.40 p.m.

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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-third session

SUMMARY RECORD OF THE 595th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 14 January 2000, at 10 a.m.

Chairperson: Mrs. OUEDRAOGO

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CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Second periodic report of Costa Rica

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The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 6) (continued)

Second periodic report of Costa Rica (CRC/C/65/Add.7) (HRI/CORE/1/Add.104; CRC/C/Q/COS/2; written replies of Costa Rica to questions raised in the list of issues (document without a symbol, distributed in the meeting room in Spanish only))

1. At the invitation of the Chairperson, Mr. Corella, Mr. Sanabria, Mr. Solano and Mr. Guillermet (Costa Rica) took places at the Committee table.

2. The CHAIRPERSON welcomed the delegation and invited it to introduce the second periodic report of Costa Rica (CRC/C/65/Add.7).

3. Mr. SANABRIA (Costa Rica) said that the Convention on the Rights of the Child was seen in Costa Rica as an instrument which drew together all the main principles regarding children and thus helped both the Government and the private sector to establish priorities for child-related issues. One of the most important initiatives aimed at implementing the principles of the Convention was the establishment of an appropriate legal framework. The first step in that regard had been the entry into force in 1997 of a law giving the National Children's Trust, the main body dealing with children's issues in Costa Rica, constitutional rank and increased responsibility for the implementation of the Convention. The law had placed the National Children's Trust at the head of the social sector and transformed it from an assistance-oriented institution into the main authority working to promote the rights of the child and to combat general risks to children. The second legal development had been the entry into force of the Children and Adolescents Code in February 1998. The Code incorporated the fundamental principles of the Convention, namely the best interests of the child, the principle that children should be subjects of law, and the need to put into practice the National System for the Protection of Children and Adolescents.

4. Although Costa Rica had been a pioneer in Latin America in work on behalf of children, the emphasis for many years had been on providing assistance to children at risk. Too many different measures had been taken to protect such children because individual judges had been responsible for assessing the risk to each child and deciding what protection measures should be applied. In the past, children at risk, such as street children, had often been placed in penitentiaries with people convicted or accused of crimes, which had done little to improve their situation. In addition, little attention had been paid to issues affecting the majority of children, who were not in the "at risk" category, whereas the emphasis now was on the principle that all minors had rights.

5. The progress he had described represented a change of paradigm from an approach focusing on irregular situations to one which emphasized the fundamental rights of all children. The National Children's Trust was responsible for promoting the rights of all children, regardless of their social class, and for ensuring that their opinions were taken into account in all matters relevant to them. It was also responsible for ensuring that they had access to social services and

6. The Children and Adolescents Code, which established the principle that children were subjects of law, enabled any child to submit a complaint to the National Children's Trust or the courts and expect to receive immediate and effective redress. The National Children's Trust carried out its programmes in conjunction with the community, in order that people themselves should determine the programme priorities.

7. A three-tiered system for the protection of children and young people was in place. The upper level consisted of the National Council on Children and Adolescents, which was under the direction of the President and was made up of senior officials from various State institutions, representing health, education, housing, training and other social areas. The Council also included representatives of non-governmental organizations (NGOs) working in the field of children's rights, along with representatives of the private sector and other sectors of society. It was responsible for implementing provisions of the Code that fell within the areas previously mentioned and for integrating them into a coherent institutional network for children.

8. The middle level of the child protection system consisted of the National Children's Trust and its local offices; other national institutions were also represented at that level. The Trust's mandate was to ensure that the various State institutions fulfilled their tasks with regard to children in a prompt and efficient manner and to ensure that cases of non-fulfilment were properly accounted for. The Trust also served as a vehicle for the transmission of complaints.

9. The lower level of the child protection system consisted of Boards for the Protection of Children and Adolescents, which were active in each community. The Boards were financed by the National Children's Trust and were made up of representatives of local government and of the Ministry of Education, together with three members of civil society. Each community elected a minor over the age of 15 to sit on its local Board and participate in the Board's activities. The Boards were responsible for monitoring the implementation of children's rights and developing programmes of assistance and protection. During the past year, the first children's rights committees had been set up to monitor human rights at the local level; proposals for over 100 more of them had been submitted. Although the activities of the child protection system were organized from the upper level downwards, it was also possible for proposals and complaints to filter upwards from grass-roots level to the Council at the top.

10. The CHAIRPERSON invited the members of the Committee to put questions to the delegation of Costa Rica.

11. Mr. DOEK said that dialogue between the Committee and the delegation would have been easier if the State party had followed the Committee's guidelines in drawing up its periodic report. However, the information provided and the State party's efforts to act on the recommendations made by the Committee after its consideration of the initial report were to be welcomed. As the written replies to the list of issues were available only in Spanish, he suggested that the delegation should briefly summarize those replies, dealing first with the five issues under the cluster "General Measures of Implementation".

would be opened in 2000 in communities with a prevalence of Afro-Costa-Rican and other indigenous populations and Nicaraguan immigrants. Additional Boards for the protection of Children and Adolescents had also been established.

13. With regard to the National Plan of Action for Children and Youth, he drew attention to the activities of the National Council on Children and Adolescents, which had devoted its first months in operation to adapting its internal regulations and programmes to ensure that the best interests of children were given priority. The Council comprised representatives of all public institutions, who had formed an executive committee with the aim of organizing and developing the policies of the different institutions. Activities for children and young people were further strengthened by the Children's Department of the Office of the People's Ombudsman, which had established a permanent forum for monitoring the implementation of the Children and Adolescents Code and the Convention. Complaints received by the Department were sent to the National Children's Trust, which was required to respond at both national and local levels.

14. Disabled children, who represented approximately 3.5 per cent of the total child population, received support through the Equality of Opportunity for Handicapped Persons Act. The National Children's Trust designed projects to provide special training for staff working with disabled children.

15. If the incidence of sexual abuse of children had appeared to increase in the past three years, that was because of a rise in the number of cases reported and because greater public attention was being paid to the issue, which had previously been treated within the family. With regard to raising minorities' awareness of their rights, the National Children's Trust served as coordinator for institutional action in the areas with the highest concentration of minorities, such as the coastal and border areas.

16. Mrs. KARP said that Costa Rica was one of the few countries where significant changes had been made between the submission of the initial and second periodic reports. In the transition from emphasis on situations of irregularity to a rights-based approach, it was important to ascertain how priorities were defined. Certain children were clearly in need of greater assistance than others, a problem which was exacerbated by limited budgetary and human resources.

17. She asked how many more Boards for the Protection of Children and Adolescents were to be set up under the National Plan of Action for Children and Youth and the anticipated time-frame for their establishment. It should be made clear whether the new bodies would be required to submit a report to parliament on their activities and achievements. She would also like to know whether a systematic plan existed for training judges, law enforcement officers and social workers to operate within the new structures. Given that a complete change of attitude was required on the part of staff in those professions, appropriate training should be provided. Similarly, were there special schools to impart such training, and did incentives exist for people to enter those professions?

18. Mr. RABAH asked whether the Children's Ombudsman was an independent body or whether it cooperated with other entities, including NGOs. What kind of complaints procedure had been established for the Ombudsman? Did the procedure exist only within major cities?

19. Paragraph 40 of the report referred to adults' awareness of the fundamental rights and freedoms of children in a number of areas including education, protection against sexual abuse and respect for children's views. He asked whether there were any court cases pending on those subjects. More information should be provided on cooperation between Government ministries and NGOs, especially in relation to the preparation of the State party's report.

20. Mrs. EL GUINDI requested further information on the impact of economic reform on children and the resources available for the implementation of the National Plan of Action for Children and Youth. What percentage of total expenditure was devoted to the plan?

21. Mrs. MOKHUANE said that, according to the report, the Children's Ombudsman had been incorporated into the office of the People's Ombudsman, which had tended to reduce the effectiveness of the former. How was the matter perceived in Costa Rica? In the past 50 years, poverty in Costa Rica had been greatly alleviated, with improvements in the social security, education and health services. Recently, however, macroeconomic policies and globalization trends had caused many of those gains to be lost, and high unemployment rates had resulted. It should be made clear whether the funds available were sufficient to redress the situation.

22. Mr. SANABRIA (Costa Rica), replying to a question by Mrs. Karp, said that priorities were established in two ways. First, the National Council on Children and Adolescents had issued guidelines, based on social studies conducted in order to determine priority areas requiring concerted efforts system-wide. In that way the work conducted was centralized and made more effective. Second, the National Children's Trust determined which risk-related situations were to be given absolute priority. It was frequently possible to change a child's situation in order to restrict the possibility for irresponsible or abusive adults to cause harm. As a rule risk situations were given the highest priority, and efforts were made to keep children with their families whenever possible. In cases where the risks in question were the result of an inadequate response from schools or health services, the relevant institutions were requested to take measures to eliminate the problems. The National Children's Trust was empowered to take binding protective measures to remedy problem situations.

23. Thirty Boards for the Protection of Children and Adolescents had been established, corresponding to 25 local offices of the National Children's Trust. The ultimate goal was to establish a Board in each of the 81 provincial cantons. Likewise, it was hoped to established approximately 100 children's rights committees in 2000. Once the infrastructure was operational, it would be effective in both the short- and medium-term. In the short term, it was important to ensure that the Boards understood their obligation to give priority to children's rights. Adults were not doing children a favour but were fulfilling their obligation as adults to ensure that children were able to exercise their rights. In the medium term, the aim was to continue establishing Boards and children's rights and developing an institutional network which it was hoped would be fully in place within the next 10 years. To that end, the Government and the National Council on Children and Adolescents had established a 15-point agenda for children and adolescents.

24. With regard to training for the judiciary, judges were fully independent and it was not possible to impose training on them. Nevertheless, efforts had been made to train judges in the correct interpretation of the Children and Adolescents Code; similar training was provided for

police officers and social workers. As a change in attitude on the part of such officials was essential, workshops had been held for them and for the Children's Ombudsman in the past two years. A leading role in that area was played by the National Children's Trust, based on the implementation of the Convention and the Code. Permanent priority was attached to training, most of which was provided by one of three State universities or by private universities or other institutions in the fields of sociology, psychology and the law. Unfortunately, there were no real incentives for such officials, although a minimum wage comparable to wages in the public and private sector was in place.

25. The Government met its obligation to provide information on national programmes by providing reports for communities prepared by ministers and the different institutions. Likewise, the 15-point agenda previously referred to enabled the authorities to evaluate specific points relating to children and adolescents.

26. Replying to Mr. Rabah, he said that the Children's Ombudsman was largely independent but was answerable to Parliament. The Ombudsman's Department included two political appointees, but the rest of the staff was entirely independent; it evaluated the work of the Government in relation to expenditure and received complaints regarding the failure of any State institution to fulfil its legal obligations. The incorporation of the Office of the Children's Ombudsman, which was fully independent from the Executive, into the Office of the People's Ombudsman, rather than weakening its authority, had in fact strengthened it. A keynote of coordination between the national Government and NGOs, was the fact that NGOs carried out executive work and developed specific projects. In the light of the plans to reform the State, the latter was restricted in its recruitment capacity, but was able to contract the services of NGOs. Examples were to be three programmes for street children, which were conducted by NGOs but supervised and financed by the National Children's Trust. In relation to the coordination of the current report, all NGOs were required to submit periodic reports to the Executive, and those reports had been used as a basis for the State party's report. Regarding the work of the Ombudsman, the procedure for dealing with complaints established a period ranging from five days to one month for disciplinary or criminal proceedings to be taken against any official or institution failing to fulfil its obligations. The procedure was the same at both the national and local levels.

27. Education was the starting point for all the basic processes in a child's life. Schools' failure to fulfil their duties opened the way to premature entry into the labour market, drug abuse and sexual exploitation. Considerable efforts had been made to strengthen the education system, reduce the number of pupils dropping out of school and make education appropriate to the demands of modern-day society. The problem of sexual abuse usually arose in situations of physical or psychological maltreatment or neglect of a child. Through greater awareness of the problem, better relationships had been developed between children and adults, and changes had been made in traditional family patterns. The increasing number of requests for intervention showed that sexual abuse was no longer a taboo subject.

28. With reference to the consequences of economic reforms for children, during the past 15 years economic structural adjustment programmes had led to a substantial reduction in the number of essential services provided for vulnerable sectors of the population. Poverty, which had previously been alleviated, had recently increased. The budgetary funding devoted to

that area and the poverty-related information system established showed that priority was attached to eliminating poverty in the worst-affected sectors as efficiently and speedily as possible. Regarding the percentage of overall spending devoted to children and young people, the National Children's Trust was assigned the smallest budget of all State institutions. However, as other bodies such as the National Council on Children and Adolescents also received funding, the overall amounts devoted to the cause of children were high. The main aim in that area was more efficient use of public resources, especially in the social sector. Given the scarcity of those resources, it was important to ensure that their benefits were maximized. If the meagre resources available were used in an effective manner to combat poverty, the previous successes achieved could be maintained and poverty levels reduced considerably within a few years.

29. Mr. SANABRIA (Costa Rica), replying to question No. 6 of the list of issues (CRC/C/Q/COS/2) on measures taken to reduce gender discrimination, said that awareness-raising campaigns had been launched with regard to physical, psychological and sexual abuse, with an emphasis on gender issues. Over the years programmes had been introduced to provide care for children with specific needs, in particular girls and teenagers, and a separate ministry had been formed to deal with children's and women's affairs.

30. Concerning discrimination against vulnerable groups, the National Children's Trust had launched a programme which, in addition to children's rights, also encompassed training for government institutions and NGOs to acquaint them with curricula and the need for reforms in housing and other areas in order to provide assistance for children. An amnesty had been granted to illegal immigrants to enable them to regularize their status. It should be noted, however, that children's nationality was of no consequence; for example, the children of Nicaraguan immigrants had access to all services.

31. With respect to street children, the three projects he had mentioned earlier had led to remarkable results, especially in 1999. To narrow regional disparities, especially in the areas of development and health, a clean drinking water programme and other programmes of assistance had been set up in needy areas. Under the "Triangle of Solidarity" programme, State, community and public institutions came together to study priority development issues in the most needy areas with the aim of including them in the State budget.

32. At the initiative of the First Lady of Costa Rica, two programmes had been designed for children, teenagers and pregnant teenagers, focusing on education and skills training and the raising of self-esteem through group therapy. Approximately 5,000 young people had participated in the programmes, which had provided an opportunity to highlight sex education, in particular sexual abuse.

33. Turning to the Committee's questions on the best interests of the child, he drew attention to the new Juvenile Criminal Justice Act. Whereas previously the only option had been deprivation of freedom, currently there were many different forms of punishment for deviant behaviour by minors, with greater emphasis on rehabilitation and training rather than detention. Legislative reforms had also been made to the Penal Code to punish sexual offences against children. Prison sentences existed for various offences of sexual abuse and exploitation of

appropriateness of judicial procedures. The child's best interests were also protected by conditions established such as the absence of the accused when a child was giving evidence and suspension of a case until the child felt ready to give evidence.

34. As far as courts of law and administrative authorities were concerned, detailed information was contained in the written replies.

35. To ensure respect for the rights of the family, electronic and print media campaigns had been launched. However, most of the work was being carried out by the Boards for the Protection of Children and Adolescents and the children's rights committees.

36. Regarding question 8 of the list of issues on children's participatory rights, administrative and judicial processes had begun to place new emphasis on the importance of children's views and statements. The importance of children's views was also highlighted in workshops, conferences and seminars organized in recent years in schools and colleges at both the regional and national levels.

37. In reply to the questions on the Children and Adolescents Code, he said that the schools' traditional system of class representatives was being consolidated in order to reveal the strengths and weaknesses of the educational system and to seek students' views.

38. Mr. DOEK requested further information about children's participatory rights. A class representative system was one option, but were there empowered student councils, and to what extent were they involved in disciplinary, curricular and extra-curricular activities? Did children in children's homes and institutions take part in decision-making?

39. With regard to the definition of the child, a recent article in the Washington Post had indicated that the child sex trade in Central America had increased. As young children were the most vulnerable to sexual exploitation, it was necessary to establish a minimum age of sexual consent, and the report did not make it clear whether such an age had been set in Costa Rica.

40. Mr. SANABRIA (Costa Rica) said that the participation of student representative organizations in decision-making was limited; the impact of such organizations was more of a progressive than an immediate nature. An eight-level participation scale developed in the United States graded participation as ranging from a purely decorative function through full participation in decision-making: Costa Rican student representative organizations were still at the first level, the aim being to promote civic awareness. Children were thus acquainted with civic duties such as voting and government elections; in that sense, the organizations contributed to democratic life. They were undergoing change and plans were being made to introduce a student Ombudsman.

41. School involvement and teacher/student relationships now represented a major focus of many Board programmes. The ultimate objective was for students to contribute to the effectiveness of the school process within the broader context of the Convention and domestic

42. As mentioned earlier, one of the main effects of the Convention was to introduce changes to domestic legislation relating to children. For example, title 3 of the Penal Code had been amended to reassess the issue of sexual offences, making the sexual abuse of minors a criminal offence liable to imprisonment. Commercial sexual exploitation of children had also been made a criminal offence, even when the minor consented. The two-year-long legislative reform in that regard had resulted in improved complaints and prosecution procedures.

43. He shared the Committee's concern regarding the minimum age of sexual consent. The Washington Post article had stirred up heated debate in the national press. Sexual exploitation was more than a purely economic issue, and involved upbringing, cultural patterns and adult/child relationships. Sexual exploitation, sexual abuse and maltreatment were closely linked and were not limited to economically disadvantaged areas. The issue of child sexual exploitation had gained prominence due to heightened public awareness and a sexual exploitation network that was as powerful as its drug counterpart. That "enemy" was heavily financed, involved hotels and travel agencies and was very present on the Internet, thereby placing limits on domestic legislation. Costa Rica had denounced such networks, and all tourists arriving in the country were presented with a "tourism passport" explaining the relevant legislation and penalties for sexual exploitation. Extensive programmes also existed in the capital, ports and towns bordering Panama. An international effort was required to effectively combat and dismantle the infiltrating networks. Nevertheless, Costa Rica was encouraged by the positive results that had been achieved in other countries.

44. Mrs. RILANTONO warned against a top-down approach to programme implementation and policy-making. For example, she wondered whether the National Children's Trust gave emphasis to community involvement.

45. She asked whether data were periodically updated to evaluate the outcome of efforts made. With the creation of the ministry responsible for children and women's affairs, had any progress been made in reducing early marriages and unplanned pregnancies? She asked whether domestic violence had increased and whether efforts had been made to raise awareness of that problem.

46. Mr. RABAH, referring to birth registration, noted that table 6 of the second periodic report of Costa Rica contained data up to 1996. He wondered whether up-to-date figures were available, as birth registration was important in order for children to benefit from health and other services. Was there a problem in registering new births?

47. Mrs. KARP said that the dialogue between children and social workers, which required specific skills, should be developed further. What efforts were being made to ensure that children had an informed view? Specific protocols should be provided to psychologists, law enforcement officials and judges to facilitate dialogue with children. Did the State party envisage the introduction of such protocols?

Government. Five members were appointed by the President of the Republic and the governing board. However, the remaining staff of technical experts were permanent employees, irrespective of any changes in Government.

49. Community involvement was viewed by the Government as a priority, one example being, Triangle of Solidarity, which included representatives of the State, communities and public institutions.

50. Replying to a question by Mrs. Karp, he said the National Children's Trust and other agencies kept statistics on four forms of maltreatment: negligence, psychological abuse, physical abuse and sexual violence. However, budgetary constraints had impeded the establishment of a much-needed national integrated statistics system, to which the authorities attached great importance. To a question by Mr. Rabah, he replied that Costa Rica had a 95 per cent birth registration rate. No action was required of the mother, newborns being automatically registered - as Costa Rican citizens, regardless of the parents' nationality - with the Civil Registry by the hospital services.

51. He agreed that communication with children should be assigned priority, especially with regard to matters as delicate as sexual abuse in the home, failing which the results could be as negative as the original abuse. Protocols on communication with children did exist; they had recently been reviewed and would soon be finalized. The National Children's Trust had commissioned three professionals to evaluate the work. Defence and legal guarantees were dealt with by legal experts, while for care and protection, the assistance of NGOs and the community was sought. He confirmed that the State was required to prosecute domestic violence against a child, in order to protect siblings from the same fate or the child from further violence. In that regard, the child's wishes did not automatically prevail.

52. The CHAIRPERSON invited the delegation to summarize its written replies to questions 9 and 10 of the list of issues.

53. Mr. SANABRIA (Costa Rica), summarizing the written reply to question 9, said that care institutions dealt with three types of children: orphans, children living at home but at risk from the family, and children whose mothers or parents wished them to be adopted. Orphans were rarely abandoned in Costa Rica, but were usually welcomed into the extended family. When children were at risk from a parent or foster parent, the first measure was to remove the aggressor, rather than the victim. However, if a child had to leave the home because both parents were abusers, attempts were made to place him or her with the extended family. The National Children's Trust conducted a family assistance programme for children placed in its foster homes or hostels, of which there were 45 in Costa Rica. Each accommodated a maximum of 10 children and was run by two adults, thereby simulating a family environment. Other facilities, run on similar lines, were offered by NGOs. There were also hostels for teenage girls in general, not only those at risk, which had yielded excellent results. The goal was short-term residence in those hostels prior to placement in a foster home or reintegration into the community. Once a case had been reviewed, one option for abandoned children was adoption.

54. Summarizing the written reply to question 10, he said domestic violence was governed by a new law providing for the removal of the aggressor from the home while judicial measures were in progress. Three State institutions were involved in the promulgation of laws. The National Institute for Women conducted programmes on domestic and gender violence which focused on the empowerment of women. In parallel, national awareness campaigns were conducted through the media. The second institution, which dealt with poverty, was the Joint Institute for Social Assistance, which had established a clear correlation between economic and social disadvantage and domestic violence. It worked closely with the National Institute for Women to raise women's self-esteem. The third institution was the National Children's Trust, which used the mass media to promote the priorities established by its governing board. Its areas of focus were school drop-outs, employment, drug consumption and prostitution, it concentrated on prevention and on ensuring that complaints were given the required judicial and therapeutic follow-up.

55. Mr. DOEK congratulated the authorities on the enactment of the special law removing the aggressor from the home, which he had been commending to his own Government. He requested further information about incentives to extended families and foster families to take in abandoned children. Did the families receive an allowance and was there a system to monitor the treatment the children received? He commended the empowerment strategy employed by the National Institute for Women, but children also needed to be educated and informed about family abuse. Were there specific measures for providing abused children with the confidence to report such offences?

56. Lastly, he asked whether Costa Rica, which had ratified the Hague Convention on Protection of Children and Cooperation in respect of Inter-Country Adoption, and had even been instrumental in its drafting, considered that Convention to be inadequate.

57. Mrs. KARP said that her country had also enacted legislation to remove the perpetrator of domestic violence, rather than the victim, from the home, with mixed results. When the victim was a child, the mother did not always cooperate for fear of losing her husband. What percentage of success did Costa Rica enjoy in those circumstances? She asked whether any research had been conducted on girls on the streets to link prostitution to child abuse, and whether there were any plans to provide treatment programmes based on that linkage. She also asked whether fathers in Costa Rica participated fully in child rearing, and whether any measures existed to encourage them to do so. She would also like to know whether there was an adult education or community-counselling structure for parents.

58. In conclusion, she asked how children were protected with regard to cross examination and double victimization during the police investigation and court proceedings.

59. Mr. SANABRIA (Costa Rica) said that foster families received $50 per month, or $100 if the child was disabled. Costa Rica had indeed signed the Hague Convention, but the problem was one of legal interpretation. Discussions were currently under way with the judiciary, the prevailing view being that the best interests of the child must be paramount.

judicial level. Replying to a question by Mrs. Karp, he said that mothers of abused children did not cooperate if they feared that proceedings would result in the loss of the breadwinner. While the Government paid subsidies in those circumstances, difficulties still arose where a mother was prepared to refute the child's allegations in order to preserve her marriage. However, the authorities ensured that follow-up action was taken until all remedies had been exhausted.

61. A research project was being developed on the link between sexual and other abuse within the family, and poverty. The child-raising partnership of men and women was a topical issue in Costa Rica. It was a complex subject, with men and women having gender-specific areas of concern. A campaign on responsible fatherhood had been conducted in 1999.

The meeting rose at 1 p.m.